

## Joint Standing Committee on Judiciary

**LD 1**

**An Act to Extend the Reporting Deadline for a Study by the Family Law Advisory Commission of the Statutes and Awards and Allocations Concerning Parental Rights and Responsibilities**

**PUBLIC 2  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1 proposed to extend the deadline for the Family Law Advisory Commission's study on the statutes and practices of awards and allocations concerning parental rights and responsibilities to January 30, 1997.

### *Enacted law summary*

Public Law 1997, chapter 2 extends the deadline for the Family Law Advisory Commission's report to January 30, 1997. The legislative recommendations are contained in LD 1053, Public Law 1997, chapter 187. This law takes effect retroactively to December 15, 1996.

**LD 4**

**An Act to Preserve the Life of Viable Fetuses**

**ONTP**

Sponsor(s)  
AHEARNE  
PARADIS

Committee Report  
ONTP

Amendments Adopted

LD 4 proposed to require an abortion to be performed in a manner that is best calculated to preserve the life of the fetus and to require that a second physician be present to provide all appropriate care to the fetus after birth.

**LD 8**

**An Act to Amend the Laws Specifying When an Indictment in a Criminal Case Is Not Required**

**PUBLIC 4**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 8 proposed that an indictment in a criminal case not be required if a prosecution utilizing a charging instrument other than an indictment is expressly authorized by rule of court.

### *Enacted law summary*

Public Law 1997, chapter 4 provides that an indictment in a criminal case is not required if court rules expressly authorize the use of a different charging instrument.

**LD 10**

**An Act to Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 393  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-411

LD 10, the “Errors Bill,” proposed to make technical corrections in the laws of Maine.

**Committee Amendment "A" (S-411)** proposed to make corrections to the bill and to add several more corrections. Part C proposed corrections that can be considered substantive.

**Senate Amendment “A” to Committee Amendment "A" (S-418)** proposed to amend the motorcycle registration plates to read “DRIVE SAFELY” rather than the grammatically incorrect “DRIVE SAFE.” (not adopted)

***Enacted law summary***

Public Law 1997, chapter 393 makes corrections in the Maine laws. This law takes effect June 5, 1997.

**LD 23**

**An Act to Amend the Laws Governing Admission to Mental Health Institutions**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	ONTP	

LD 23 proposed to allow medication of a patient in a state mental health institute or nonstate mental health institution during the first 72 hours after voluntary or emergency involuntary admission only in certain circumstances. The bill proposed to shorten the time period for filing emergency commitment papers from five business days to three business days. It proposed to require that the person undergoing commitment or the person's counsel be provided with written notice of the right to choose a physician or psychologist for an examination. See also LD 1806.

**LD 25**

**Resolve, to Extend the Reporting Deadline of the Task Force on Tribal-State Relations**

**RESOLVE 1  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP	

LD 25 proposed to extend the reporting deadline for the Task Force on Tribal-State Relations.

### ***Enacted law summary***

Resolves 1997, chapter 1 extends the reporting deadline for the Task Force on Tribal-State Relations. The legislative recommendations of the Task Force are printed as LD 1269. This resolve takes effect retroactively to December 15, 1996.

## **LD 29                      An Act to Amend the Wrongful Death Laws                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN LEMAIRE		

LD 29 proposes to eliminate the current damage cap of \$150,000 that may be awarded in wrongful death actions for loss of comfort, society and companionship and the current damage cap of \$75,000 that may be awarded in punitive damages. This bill has been carried over to the Second Regular Session.

## **LD 30                      An Act to Exclude Intentional Tort Claims from the Application of    CARRIED OVER the Maine Workers' Compensation Act of 1992**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN DAVIDSON		

LD 30 proposes to allow an employee to pursue an action outside of the Maine Workers' Compensation Act of 1992 for injuries arising out of an intentional act against that employee. The bill is intended to address the decision in Li v. C.N. Brown Company, 645 A.2d 606 (Me. 1994), where an employee's death resulted from her intentional exposure to a robbery by her employer. This bill has been carried over to the Second Regular Session.

## **LD 35                      An Act to Prohibit the Photographing or Transmittal of Jury                      DIED BETWEEN Deliberations                      BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY	ONTP      MAJ OTP      MIN	

LD 35 proposed to prohibit the recording or transmittal of jury deliberations by electronic means. The bill defined “electronics means” to include but not be limited to, still photography videotaping or audiotaping and direct live video or audio feeds.

**LD 57**                      **An Act to Strengthen the Laws Governing the Failure to Preserve the Life of a Live-born Person**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP	

LD 57 proposed to make the failure to provide treatment to a live-born person a Class B crime.

**LD 61**                      **An Act to Require Reimbursement to Counties for Services Rendered by County Law Enforcement Officers**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E	ONTP      MAJ	
FERGUSON	OTP-AM      MIN	

LD 61 proposed to require the State to reimburse counties for the use of county law enforcement officers in the same manner as municipalities are compensated for the use of municipal law enforcement officers.

**Committee Amendment "A" (H-593)** (Minority Report) proposed to add an appropriation to the bill.

**LD 76**                      **An Act to Amend the Uniform Health Care Decisions Law**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARLETON		

LD 76 proposes to amend the Uniform Health-care Consent Act to allow a surrogate to make a health-care decision for a patient if the patient has been determined by the primary physician to lack the capacity and no agent or guardian has been appointed. This bill has been carried over to the Second Regular Session.

**LD 105**                      **Resolve, to Create a Task Force to Study the Adequacy of the Laws Regarding Involuntary Commitment**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINGLASS	ONTP	

LD 105 proposed to create the Task Force to Study the Adequacy of the Laws Regarding Involuntary Commitment. See LD 1806, which is the legislative recommendations of the Task Force to Review Maine's Laws Concerning Involuntary Commitment.

**LD 121****An Act to Require Disclosure to Prison Workers in the Case of an Inmate Who Tests Positive for Acquired Immune Deficiency Syndrome****PUBLIC 70**Sponsor(s)  
MUSECommittee Report  
OTP-AMAmendments Adopted  
H-81

LD 121 proposed to require the Department of Corrections, when it knows that an inmate has tested positive for HIV or AIDS, to disclose that fact to the facility in which the inmate is housed and to every employee who is responsible for the care, custody or control of the inmate.

**Committee Amendment "A" (H-81)** proposed to clarify the intent of the original bill by requiring the Department of Corrections to make rules designating persons who may receive the results of a positive HIV test of a county jail inmate.

***Enacted law summary***

Public Law 1997, chapter 70 requires the Department of Corrections to amend previously authorized rules that designate persons or classes of persons responsible for the treatment or care of the subject of an HIV test who may receive the results of a positive HIV test. The amended rules must designate persons who may receive the results of an HIV test of a county jail inmate.

**LD 125****An Act to Allow the Release of the Name of and Juvenile Crimes Committed by a Juvenile 14 Years of Age or Older****ONTP**Sponsor(s)  
VIGUE  
DAGGETTCommittee Report  
ONTP MAJ  
OTP MINAmendments Adopted

LD 125 proposed to amend the Maine Juvenile Code to allow the publication of the name of a juvenile who has been arrested for having committed a juvenile crime, and the juvenile crime or crimes committed, as long as the juvenile is at least 14 years of age. See related bills referred to the Criminal Justice Committee.

**LD 132****An Act to Prohibit the Plea Bargaining of Child Sex Abuse Cases****ONTP**Sponsor(s)  
JONES SACommittee Report  
ONTPAmendments Adopted

LD 132 proposed to prohibit a prosecutor from plea bargaining with a defendant charged with a sex offense when the victim is a minor.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE CAREY	ONTP MAJ OTP-AM MIN	

LD 143 proposed to remove the immunity from personal civil liability of a police officer or governmental employee who gives fraudulent testimony in a child welfare case.

**Committee Amendment "A" (H-191)** (Minority Report) proposed to amend the child abuse reporting statutes and the Maine Tort Claims Act to provide immunity in reporting and participating in child abuse and neglect investigations and proceedings. The immunity would not cover false testimony and reports made intentionally and with malice or in bad faith.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR LAFOUNTAIN	OTP-AM	H-345

LD 144 proposed to repeal requirements that guardians ad litem have face-to-face contact with the child within seven days of appointment by the court and at least once every three months thereafter, that guardians ad litem make written reports every six months, and that, if the child and the child's guardian ad litem are not in agreement, the court must evaluate the necessity for appointing special counsel for the child.

**Committee Amendment "A" (H-345)** proposed to delete amendments to Title 19 and amend Title 19-A only. The amendment also proposed to amend the date upon which guardians must meet the qualifications until September 1, 1998. This is consistent with the recommendations made by the Judicial Department in a study undertaken pursuant to Public Law 1995, chapter 405, section 25, and transmitted to the Joint Standing Committee on Judiciary by letter of the Chief Justice dated March 7, 1997.

#### ***Enacted law summary***

Public Law 1997, chapter 257 amends the guardian ad litem provisions of Title 19-A. It extends the date by which guardians ad litem must meet court established qualifications from September 1, 1997 to September 1, 1998. It requires the guardian ad litem to have a face-to-face interview with the child.

**LD 212****An Act to Permit Filing for the Probate of an Estate for up to 10 Years Following Death****ONTP**Sponsor(s)  
MILLSCommittee Report  
ONTPAmendments Adopted

LD 212 proposed to increase from three to 10 the number of years after a person's death during which probate proceedings may be commenced.

**LD 235****An Act to Require the Courts to Accept Civil Orders of Arrest on Any Day Court is in Session****PUBLIC 17**Sponsor(s)  
WHEELER ECommittee Report  
OTPAmendments Adopted

LD 235 proposed to change the civil order of arrest process and make it a Class E crime for a debtor who has been released on the debtor's personal recognizance to fail to appear for the scheduled disclosure or contempt hearing.

***Enacted law summary***

Public Law 1997, chapter 17 changes the civil order of arrest process so that a sheriff may arrest the individual named in the order and bring that person to court on any day the court is in session, rather than just the days designated by the court. It also makes it a Class E crime for a debtor to fail to appear for the scheduled disclosure or contempt hearing after being released on the debtor's personal recognizance.

**LD 240****An Act to Terminate Spousal Support upon the Death of the Payee****PUBLIC 9**Sponsor(s)  
JABARCommittee Report  
OTPAmendments Adopted

LD 240 proposed to specify that the obligation to make alimony or spousal support payments ceases upon the death of the payee unless the court order awarding the alimony or spousal support provides otherwise.

***Enacted law summary***

Public Law 1997, chapter 9 amends the law to specifically state that, unless the court order provides otherwise, an obligation to make alimony or spousal support payments ceases upon the death of the payee.

**LD 263**

**An Act to Authorize a Physician's Assistant or a Nurse Practitioner to Sign Papers Transferring a Patient for Evaluation for Emergency Involuntary Commitment**

**PUBLIC 438**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM MAJ ONTP MIN	S-227 S-322 GOLDTHWAIT

LD 263 proposed to authorize a physician's assistant or a nurse practitioner to sign the emergency papers required for protective custody and emergency commitment procedures under the mental health laws.

**Committee Amendment "A" (S-227)** (Majority Report) proposed to expand the list of medical personnel authorized to sign the emergency transfer documents to include certified psychiatric clinical nurse specialists.

**Senate Amendment "A" to Committee Amendment "A" (S-322)** proposed to authorize physician's assistants, nurse practitioners and certified nurse practitioners to perform the examination and sign the documents in hospital emergency rooms.

**Senate Amendment "A" (S-229)** proposed to make a technical change. (Not adopted.)

***Enacted law summary***

Public Law 1997, chapter 438 authorizes physician's assistants, nurse practitioners and certified psychiatric clinical nurse specialists to evaluate a person brought into a hospital emergency room for the purposes of emergency involuntary commitment and to sign the necessary papers.

See also LD 1806.

**LD 292**

**An Act to Modify Waiver of a Defense in the Criminal Law**

**PUBLIC 185**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-254

LD 292 proposed to expressly overrule State v. Berube, 669 A.2d 170 (Me. 1995) and predecessor cases interpreting the statute as requiring that a jury instruction be given as to any generated statutory defense, absent an express waiver by a defendant. The bill also proposed to make clear that the proper source of law respecting waiver decisions is the Supreme Judicial Court exercising its rule-making authority.

**Committee Amendment "A" (H-254)** proposed to delete mention of whether a defense is waived explicitly or implicitly when determining whether a trial judge has discretion concerning giving jury instructions on a defense. The amendment proposed to clarify that Title 17-A, section 101, subsection 1 is not properly a source of law respecting waiver decision, the proper source being instead the Supreme Judicial Court exercising its rule-making authority.



### ***Enacted law summary***

Public Law 1997, chapter 185 clarifies that the trial judge in a criminal case is not required to instruct the jury on all defenses generated by the evidence, irrespective of the wishes of the defendant. This change seeks to make clear that Title 17-A, section 101, subsection 1 is not properly a source of law respecting waiver decision, the proper source being instead the Supreme Judicial Court exercising its rule-making authority.

**LD 325**

**An Act to Improve Access to Enhanced 9-1-1 Emergency Records**

**ONTP**

Sponsor(s)  
JONES K

Committee Report  
ONTP

Amendments Adopted

LD 325 proposed to repeal current law making confidential any record, recording or information obtained by a public or private safety agency, including a public safety answering point, for the purpose of providing emergency 9-1-1 services. See also LD 976, Public Law 1997, chapter 291.

**LD 326**

**An Act to Streamline the Eviction Process**

**PUBLIC 151**

Sponsor(s)  
WHEELER E

Committee Report  
OTP-AM

Amendments Adopted  
H-190

LD 326 proposed to require the court to ensure that hearings for all forcible entry and detainer actions occur within 14 days after return of service and to make service of a writ of possession easier.

**Committee Amendment "A" (H-190)** proposed to require that the hearing be held within 10 days of the return of service, regardless of whether a recorded hearing has been requested. The amendment proposed to preserve the court's discretion to grant a continuance for good cause shown. The amendment proposed to make service of a writ of possession easier, but would have required good faith attempts to serve the writ in person on separate days.

### ***Enacted law summary***

Public Law 1997, chapter 151 requires the hearing in a forcible entry and detainer action to be held within 10 days of the return of service, regardless of whether a recorded hearing has been requested. The court retains its discretion to grant a continuance for good cause shown. The law also permits service of a writ of possession by first-class mail and by leaving a copy at the defendant's last known address, but only after at least three good faith attempts on three different days have been made to serve the defendant.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J PARADIS	OTP-AM    MAJ ONTP      MIN	H-468

LD 351 proposed to remove criminal penalties for the furnishing or possession of 10 or fewer hypodermic apparatuses and for the furnishing of any number of hypodermic apparatuses as a component of a Bureau of Health-certified needle exchange program.

**Committee Amendment "A" (H-468)** (Majority Report) proposed to amend the Criminal Code with regard to trafficking, furnishing and possession hypodermic apparatuses. It proposed to require the Bureau of Health to adopt rules governing hypodermic exchange programs.

**House Amendment "A" to Committee Amendment "A" (H-528)** proposed to make the sale of hypodermic apparatuses tax exempt. (Not adopted.)

#### *Enacted law summary*

Public Law 1997, chapter 340 requires the Bureau of Health to adopt rules governing hypodermic apparatus exchange programs. The rules are major substantive rules, requiring legislative approval before final adoption. The Bureau of Health is also required to report to the Legislature on the programs on an annual basis. The law also decriminalizes the possession of 10 or fewer hypodermic apparatus and the furnishing of hypodermic apparatuses in conjunction with a certified needle exchange program.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-79

LD 363 proposed to replace the assumption in Title 18-A, section 3-906 that estate assets will be distributed in kind by a statement that the personal representative has a duty to distribute the estate in the manner that serves all the devisees' best interests. The bill also proposed to require that if residuary devisees want to assume responsibility for direction of investments, they must all agree on the identity of the investment manager.

**Committee Amendment "A" (H-79)** proposed to add a Maine Comment to explain the changes to the Probate Code.

#### *Enacted law summary*

Public Law 1997, chapter 73 eliminates the assumption in Title 18-A, section 3-906 that estate assets will be distributed in kind. The assumption is replaced by a statement that the personal representative has a duty to distribute the estate in the manner that serves all the devisees' best interests. If residuary devisees want to assume responsibility for direction of investments, they must all agree on the identity of an investment manager who can

give consistent investment instructions to the personal representative. This law applies retroactively to January 1, 1997.

**LD 386**                      **An Act to Amend the Civil Order of Arrest Procedures for Enforcement of Money Judgments**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENOIT GOOLEY	ONTP	

LD 386 proposed to amend the law governing the procedures for enforcement of money judgments. It would have required the court to set an amount of bail for a debtor whom the sheriff has arrested under a civil order of arrest and delivered to the District Court for disclosure or a contempt hearing. The bill proposed to require that the debtor post bail and not be released on personal recognizance.

**LD 397**                      **An Act to Change the Burden of Proof for Timber Trespass and Timber Theft Violations**                      **PUBLIC 152**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-103

LD 397 proposed to eliminate a culpable state of mind as an element of the civil violation of unlawful cutting of trees. The bill also proposed to eliminate boundary disputes as an exemption for cutting someone else's trees, and to require landowner permission to cut trees except in specific circumstances.

**Committee Amendment "A" (S-103)** proposed to authorize courts to order restitution for unlawful timber harvesting and to provide for a form of accomplice liability for timber theft.

***Enacted law summary***

Public Law 1997, chapter 152 makes the civil violation of unlawfully cutting someone else's trees easier to prosecute. It removes the culpable state of mind element, and deletes the exemption for boundary disputes. It authorizes courts to order restitution to the owner of the trees. It also authorizes prosecution of persons who are legally responsible for the unlawful cutting, even though they did not participate in the actual cutting.

**LD 398**                      **An Act to Recover Economic Loss Attributable to Tobacco Use**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS TOWNSEND	ONTP      MAJ OTP-AM      MIN	

LD 398 proposed to create a uniform prospective remedy for recovery of economic loss caused by tobacco exposure. Related costs and legal fees would also be recoverable. The liabilities created by the law would apply only to manufacturers and not to other members of the tobacco industry.

Manufacturers would be held prospectively to a strict liability standard and deprived of the contributory negligence defense; but victims would not recover noneconomic damages. This is parallel to the trade-off created by workers' compensation laws. Group losses asserted by the State, insurers or health care providers would be provable on the basis of market share liability with the aid of certain presumptions that the manufacturers are permitted to rebut or adjust. The bill is derived in part from legislation in Florida and Massachusetts.

**Committee Amendment "A" (S-293)** (Minority Report) proposed to limit the recoverable damages to medical costs, and to clarify that the remedy would not be exclusive.

See LD 1138 (Supplemental Budget), Public Law 1997, chapter 395, Part E, which clarifies the authority of the Commissioner of Human Services and the Attorney General to bring an action against any 3rd party who is or may be liable for any medical costs incurred by a beneficiary of Medicaid or the Maine Health Program.

See also LD 1904, Public Law 1997, chapter 560, Part F, establishing the Health Care Fund for Maine Citizens, to receive the proceeds of any settlement or award from the tobacco industry.

**LD 407                      An Act to Revise Judicial Separation                      PUBLIC 224**

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-171
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LD 407 proposed to revise and update the judicial separation statutes.

**Committee Amendment "A" (S-171)** proposed to prohibit the court from granting a judicial separation when the parties are seeking the judicial separation for fraudulent purposes.

***Enacted law summary***

Public Law 1997, chapter 224 provides specific provisions that may be included in the court's judicial separation order pending a final separation decree. It also provides for spousal and child support, property disposition and modification and termination of a separation decree. Chapter 224 coordinates judicial separation procedures with divorce procedures to provide for dismissal of the separation action if a divorce is granted. A judicial separation may not be granted if sought for fraudulent purposes.

**LD 417                      An Act to Amend the Fee Schedule for Probate Filings                      PUBLIC 18**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> S-13    MURRAY
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LD 417 proposed to amend the fee schedule for probate filings.

Senate Amendment "A" (S-13 ) proposed to make technical corrections.

*Enacted law summary*

Public Law 1997, chapter 18 amends the fee schedule for probate filings.

**LD 435**                      **An Act to Amend the Entry and Detainer Law as It Relates to Occupancy Incidental to Short-term Employment**                      **ONTP**

<u>Sponsor(s)</u> LAYTON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 435 proposed to provide separate eviction procedures when residential occupancy is incidental to short-term or seasonal employment and the employment relationship has ended.

**LD 444**                      **An Act to Establish the Maximum and Minimum Number of Grand Jurors to Be Summoned and Impaneled**                      **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 444 proposed to require that the grand jury consist of not less than 13 nor more than 23 jurors.

**LD 453**                      **An Act to Give District Attorneys the Option of Appearing in Civil Proceedings**                      **ONTP**

<u>Sponsor(s)</u> CLUKEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 453 proposed to give district attorneys discretion as to whether to appear in all actions and civil proceedings in which any county within the district is a party or is interested, or in which the official acts of the county commissioners are called into question, or when requested by the commissioners.

**LD 457**                      **An Act to Discourage Frivolous Lawsuits by Prisoners**                      **PUBLIC 75**

<u>Sponsor(s)</u> CLUKEY KIEFFER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-80
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LD 457, modeled after certain provisions of the Federal Prison Litigation Reform Act of 1995, proposed to discourage frivolous litigation by prisoners by striking the current system of waiver of the court filing fee for a prisoner proceeding in forma pauperis and enacting a system of waiver of prepayment of the filing fee.

**Committee Amendment "A" (H-80 )** proposed to clarify provisions about prisoner facility accounts and nonfrivolous actions filed in good faith. The amendment also proposed to provide immunity for governmental employees based on compliance or noncompliance with this law.

*Enacted law summary*

Public Law 1997, chapter 75 discourages frivolous litigation by prisoners, including, but not limited to, civil rights suits, tort claims and petitions for judicial review of final agency action, by striking the current system of waiver of the court filing fee for a prisoner proceeding in forma pauperis and enacting a system of waiver of prepayment of the filing fee. A prisoner, as funds are available, must pay the filing fee in installments until it is fully paid. Damages awarded as a result of prisoner litigation must be applied first to the payment of any outstanding restitution orders and the victims must be notified of the impending payment of such damages. Chapter 75 provides civil immunity to governmental employees who comply with the law, and also to those who fail to comply with the specific requirements.

LD 475

RESOLUTION, Proposing an Amendment to the Constitution of  
Maine to Affirm the Rights to Private Property

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	ONTP      MAJ OTP-AM    MIN	

LD 475, a constitutional resolution, proposed to amend the Maine Constitution to strengthen the rights of individuals to private property.

**Committee Amendment "A" (H-510)** (Minority Report) proposed to add a fiscal note.

LD 476

An Act to Require the Forfeiture of Any Proceeds of Prostitution

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER C FERGUSON	ONTP	

LD 476 proposed to amend the law relating to asset forfeitures to provide that money and other items of value paid or intended to be paid to purchase or facilitate prostitution are subject to forfeiture to the State.

**LD 490****An Act to Increase Fees and Allowances for Jury Service****ONTP**

Sponsor(s)  
MILLS

Committee Report  
ONTP

Amendments Adopted

LD 490 proposed to increase the daily compensation rate for a juror from \$10 to \$15 and to provide free parking and a meal allowance to jurors.

**LD 491****An Act to Amend Provisions of the Probate Code Relating to Depositing Wills in Court within the Testator's Lifetime****PUBLIC 76**

Sponsor(s)  
MILLS

Committee Report  
OTP-AM

Amendments Adopted  
S-48

LD 491 proposed to repeal the law that allows a testator to deposit the testator's will with the Probate Court for safekeeping.

**Committee Amendment "A" (S-48 )** proposed to strike only those provisions of the Probate Code dealing with presentation, appearance and content of a deposited will.

***Enacted law summary***

Public Law 1997, chapter 76 repeals the provision of law that allowed a testator or testator's agent to deposit the testator's will for safekeeping with the Probate Court.

**LD 492****An Act to Adjust the Residency Requirement for District Court Judges to Include the Counties in Which They Reside****PUBLIC 10**

Sponsor(s)  
MILLS

Committee Report  
OTP

Amendments Adopted

LD 492 proposed to expand the possible areas of residence for District Court Judges to include a county in which the district lies.

***Enacted law summary***

Public Law 1997, chapter 10 enables District Court Judges to have wider latitude in their choice of residency. It expands the possible areas of residence for District Court Judges to include a county in which the district lies.

**LD 494****An Act to Change the Time for Appointment of a Visitor or Guardian Ad Litem after Appointment of a Temporary Conservator or Guardian****PUBLIC 35**Sponsor(s)  
MILLSCommittee Report  
OTPAmendments Adopted

LD 494 proposed to require a court to appoint a visitor or guardian ad litem within two days of appointing a temporary guardian or temporary conservator, and to require contact and a report to the court.

***Enacted law summary***

Public Law 1997, chapter 35 requires a court to appoint a visitor or guardian ad litem within two days, excluding weekends and holidays, of appointing a temporary guardian or temporary conservator. Chapter 35 also requires the visitor or guardian ad litem to make a visit and report to the court within 10 days of that person's appointment.

**LD 527****An Act to Strengthen the Mandatory Child Abuse Reporting Laws****PUBLIC 251**Sponsor(s)  
O'BRIEN  
BUTLANDCommittee Report  
OTP-AMAmendments Adopted  
H-346

LD 527 proposed to expand the list of mandatory reporters of suspected child abuse to include commercial film and photographic print processors and clergy members in specific situations. It proposed a definition of "sexual abuse or exploitation" for the purposes of mandatory reporting by commercial film and photographic print processors.

**Committee Amendment "A" (H-346)** proposed to delete the new definition of "sexual abuse or exploitation" because it is not needed. It also proposed to exempt all confidential communications involving clergy from the mandatory child abuse reporting requirements.

***Enacted law summary***

Public Law 1997, chapter 527 includes commercial film and photographic print processors and clergy members as persons required to report suspected child abuse and neglect. Clergy are not required to report information gained through any confidential communications.

**LD 533****An Act to Ensure Public Safety and Proper Allocation of Liability for Gas Pipelines****PUBLIC 222**Sponsor(s)  
COWGER  
TREATCommittee Report  
OTP-AMAmendments Adopted  
H-298



LD 533 proposed to restore the allocation of liability of natural gas providers for natural gas explosions or fires that existed prior to 1995. A natural gas company or natural gas pipeline company would be strictly liable for all deaths, personal injuries and property damage resulting from explosion or fire caused by the escape of natural gas from that portion of the storage or distribution system under its control. The bill proposed to reinstate the rebuttable presumption that the natural gas causing a fire or explosion escaped from that portion of the system under the company's control. The burden would be on the company to prove that the gas did not escape from that portion of the system under its control. Damages for which the company is liable could be reduced by proving to the court or jury that there was another cause for or source of the escape of the natural gas if the factfinder were to determine it to be just and equitable.

**Committee Amendment "A" (H-298)** proposed to replace the bill and clarify the application of the current law establishing the standard of liability for natural gas companies and natural gas pipeline companies.

***Enacted law summary***

Public Law 1997, chapter 222 clarified that natural gas transmission companies, whether intrastate or interstate, that transport natural gas in the State but do not necessarily store or distribute gas, have the same liability as other natural gas companies.

**LD 535                      An Act to Ban Partial Birth Abortions**

**DIED BETWEEN  
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP      A	
	OTP-AM    B	
	OTP-AM    C	

LD 535 is modeled on the Partial-Birth Abortion Ban Act of 1995 passed by Congress and vetoed by President Clinton in 1996 (H.R. 1833). It proposed to prohibit partial-birth abortions except when such an abortion is necessary to save the life of the mother and no other medical procedure would suffice for that purpose. It proposed to make performance of a partial-birth abortion a Class C crime. In addition, the person performing the abortion would be subject to damages in a civil suit, although the mother could not be prosecuted.

**Committee Amendment "A" (H-163)** (Minority Report) proposed to replace the bill. It proposed to amend the definition of "abortion" to specifically state that it includes partial birth abortion in order to make it clear that the state policy concerning post-viability abortions, prohibited except when the abortion is necessary to protect the life or health of the mother, would have applied to partial birth abortions. It also proposed to amend the policy statement to clarify that the use of the dilation and evacuation method of abortion after viability would be restricted to only those situations in which the abortion is necessary to preserve the life or health of the mother. (Not adopted.)

**Committee Amendment "B" (H-164)** (Minority Report) proposed to add a fiscal note to the bill. (Not adopted.)

**House Amendment "A" to Committee Amendment "A" (H-181)** proposed to prohibit partial-birth abortions except when necessary to save the life of the mother and further proposed to require that all partial-birth abortions be performed in a hospital or ambulatory surgical facility. (Not adopted.)

**House Amendment "B" to Committee Amendment "A" (H-182)** proposed to require physicians who perform abortions to report the abortion procedure used when reporting abortion information to the Department of Human Services. (Not adopted.)

**House Amendment "C" to Committee Amendment "A" (H-187)** proposed to provide a penalty of life imprisonment or at least five years for any person who destroys the life of a child who is being born if that child otherwise would have lived. (Not adopted.)

**House Amendment "A" (H-183)** proposed to provide a penalty of life imprisonment or at least five years for any person who destroys the life of a child who is being born if that child otherwise would have lived. (Not adopted.)

**House Amendment "B" (H-184)** proposed to require physicians who perform abortions to report the abortion procedure used when reporting abortion information to the Department of Human Services. (Not adopted.)

**House Amendment "C" (H-188)** proposed to require that all partial-birth abortions be performed in a hospital or ambulatory surgical facility. (Not adopted.)

**LD 549                      An Act to Change the Reimbursement for Law Enforcement Personnel Testifying in Court                      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT LAWRENCE	OTP-AM	H-639 H-672 WHEELER E

LD 549 proposed to replace the current flat-fee reimbursement of \$10 a day for a law enforcement officer appearing for trial in District with reimbursement on an hourly basis at the officer's range and step.

**Committee Amendment "A" (H-639)** proposed to increase to \$30 a day the reimbursement rate for court time for municipal law enforcement officers.

**LD 570                      An Act to Clarify the Laws on Punitive Damages                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J	ONTP	

LD 570 proposed to authorize the recovery of punitive damages in civil lawsuits, as long as one-third of any such award is paid by the defendant directly to the Treasurer of State for general purposes. The plaintiff would have been barred from agreeing to pay an attorney's fee out of a punitive damage award if the fee were to exceed the amount payable by the defendant to the State.

**LD 571****An Act to Clarify the Effect of Failure to Provide Notice of Filing of a Judgment Lien****PUBLIC 20**Sponsor(s)  
FISKCommittee Report  
OTPAmendments Adopted

LD 571 proposed to clarify the effect of the judgment creditor's failure to provide timely notice of the filing of the judgment lien.

***Enacted law summary***

Public Law 1997, chapter 20 clarifies that a judgment creditor's failure to provide a timely notice of the filing of a judgment lien results in the lien losing its status as a perfected security interest against property of the judgment debtor and that the lien also loses its priority vis-à-vis other creditors of the judgment debtor.

**LD 582****An Act to Amend the Procedures for Medical Malpractice Screenings****CARRIED OVER**Sponsor(s)  
JABARCommittee ReportAmendments Adopted

LD 582 proposes to limit medical malpractice screening panels to a review of professional negligence claims solely for the purpose of determining whether a claim is frivolous, rather than permitting panels to determine, as under current law, whether professional negligence occurred. The bill also proposes to change the current law's confidentiality provisions to allow testimony and other evidence presented to screening panels to be admitted in a subsequent court action based on the claim of professional negligence. This bill has been carried over to the Second Regular Session.

**LD 587****An Act to Provide Greater Public Notice of Complaints against Attorneys****ONTP**Sponsor(s)  
STANLEYCommittee Report  
ONTPAmendments Adopted

LD 587 proposed that the Board of Overseers of the Bar be required to publish a notice of a complaint against an attorney in a newspaper in the area in which the attorney primarily practices.

**LD 591**                      **An Act to Require Courts to Take Court Costs into Consideration in Criminal Proceedings**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLUKEY	ONTP	

LD 591 proposed to require the court, when sentencing a defendant, to consider the court costs incurred and would have allowed the court discretion in whether to impose a sum adequate to cover all or part of the court costs.

**LD 634**                      **An Act Concerning the Disclosure of a Criminal Suspect's Identity**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	ONTP	

LD 634 proposed to allow the disclosure of a criminal suspect's identity before the suspect's arrest or indictment only when the disclosure is necessary or useful to the law enforcement agency's investigation.

**LD 661**                      **An Act to Require a 24-hour Waiting Period before an Abortion May Be Performed**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP      MAJ OTP-AM      MIN	

LD 661 proposed to repeal existing standards for informed consent and would have replaced them with a provision modeled after the Pennsylvania statute held constitutional in Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833, 112 S.Ct. 2791, 120 L.Ed.2d 674 (1992).

**Committee Amendment "A" (H-165)** (Minority Report) proposed to add an appropriation section and a fiscal note to the bill.

**LD 662**                      **An Act to Require Parental Notification for Minors Seeking Abortions**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP      MAJ OTP-AM      MIN	

LD 662, modeled on Ohio law, proposed to require parental notification before an abortion is performed or induced on a pregnant minor. The bill proposed to require that notification be provided to one parent or, when the minor is in fear of physical, sexual or emotional abuse from a parent, to a specified relative, who may be a grandparent, a stepparent or a sister or brother who is 21 years of age or older. The bill also proposed alternative procedures

whereby the minor may seek court approval for the proposed abortion and establishes the procedures for judicial review and appeals.

**Committee Amendment "A" (H-166)** (Minority Report) proposed that at least one of the following requirements be met before an abortion may be performed or induced on a pregnant minor:

1. The physician must, at least 24 hours before performing or inducing an abortion, notify the pregnant minor's parent by telephone or in person that the minor is pregnant and wants an abortion. An adult must accompany the minor to the physician's office at the time of the abortion;
2. The pregnant minor alleges abuse or neglect such that notifying the minor's parent is not in the minor's best interest. The minor must then be accompanied by an adult counselor to the physician's office; or
3. The minor has been authorized by the District Court or the Probate Court to consent to the abortion without parental notification. An adult must accompany the minor to the physician's office at the time of the abortion.

The amendment proposed to retain most of the judicial bypass option proposed in the original bill, except for the allegation of abuse.

**LD 663**                      **An Act to Permit the State Court Administrator to Accept Funds from the Federal Government and Private Sources**                      **PUBLIC 11**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY THOMPSON	OTP	

LD 663 proposed to permit the State Court Administrator to accept donations or other funds from any agency of the United States or from a private source.

***Enacted law summary***

Public Law 1997, chapter 11 permits the State Court Administrator to accept donations or other funds from any agency of the United States or from a private source.

**LD 669**                      **An Act Relating to Value of Property Held by Portland Yacht Club**                      **P & S 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP-AM	S-149

LD 669 proposed to remove the limitation of the value of both real and personal property that the Portland Yacht Club may hold, and to grant the yacht club all of the other powers that are held by nonprofit corporations formed under the Maine Revised Statutes, Title 13-B.

**Committee Amendment "A" (S-149)** proposed to delete Section 2 of Portland Yacht Club's charter, which contains a limitation on property the organization may hold.

***Enacted law summary***

Private and Special Law 1997, chapter 26 repeals section 2 of the Portland Yacht Club's charter, which currently limits the value of property that may be held. The remaining section of the charter grants all the powers of a nonprofit corporation formed under the Maine Revised Statutes, Title 13-B to the Portland Yacht Club.

**LD 693                      An Act to Amend Procedures Relating to Extradition Proceedings                      PUBLIC 181**

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-255
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LD 693 proposed to require a petitioner to file a petition contesting extradition in District Court, where the application is first docketed, rather than in Superior Court.

**Committee Amendment "A" (H-255)** proposed technical changes to the Maine Revised Statutes, Title 15, section 210 to make that section consistent with the changes made to section 210-A in the original bill.

***Enacted law summary***

Public Law 1997, chapter 181 provides for more efficient processing of the extradition of a fugitive from justice by requiring a petitioner to file a petition contesting the extradition in District Court, where the application is first docketed, rather than in Superior Court.

**LD 699                      An Act to Clarify the General Powers of Attorney                      PUBLIC 241**

<u>Sponsor(s)</u> CAMPBELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-297
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LD 699 proposed to clarify that a power of attorney that contains a grant of general authority is not limited by the inclusion of specific examples of the authority.

**Committee Amendment "A" (H-297)** proposed to clarify that a grant of general authority in a power of attorney does not broaden or add to a durable health care power of attorney.

***Enacted law summary***

Public Law 1997, chapter 241 clarifies that a power of attorney that contains a grant of general authority is not limited by the inclusion of specific examples of authority. Chapter 241 also clarifies that a grant of general authority in a power of attorney does not broaden or add to a durable health care power of attorney.

**LD 717****An Act to Expand the Methods of Service of Disclosure Subpoenas****PUBLIC 21**

Sponsor(s)  
FISK

Committee Report  
OTP

Amendments Adopted

LD 717 proposed to expand the methods available to serve disclosure subpoenas on individuals to include all the methods available under Rule 4 of the Maine Rules of Civil Procedure.

***Enacted law summary***

Public Law 1997, chapter 21 expands the methods available to serve disclosure subpoenas on individuals to include all the methods available under Rule 4 of the Maine Rules of Civil Procedure.

**LD 718****An Act to Open to Public Scrutiny the Workings of the Maine Legislature****ONTP**

Sponsor(s)  
BROOKS

Committee Report  
ONTP

Amendments Adopted

LD 718 proposed to repeal the exception from the Freedom of Access law's definition of "public record" legislative papers and reports until signed and publicly distributed and records, working papers, drafts and memoranda used to prepare proposed Senate or House papers.

**LD 730****An Act to Limit Adverse Possession****ONTP**

Sponsor(s)  
SKOGLUND

Committee Report  
ONTP

Amendments Adopted

LD 730 proposed to limit adverse possession as a method by which to gain title to property by allowing it only when necessary to gain access to landlocked property.

**LD 732****An Act to Amend the Maine Criminal Code to Include the Loss of a Pregnancy****INDEF PP**

Sponsor(s)  
KASPRZAK  
CAREY

Committee Report  
OTP-AM MAJ  
OTP-AM MIN

Amendments Adopted  
H-604

LD 732 proposed to create new crimes against unborn children, roughly equivalent to murder, voluntary manslaughter, assault and aggravated assault. The crimes would not apply to the pregnant woman, to an abortion

to which the pregnant woman has consented, or to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment.

**Committee Amendment "A" (H-604)** (Majority Report) proposed to replace the bill by amending the Criminal Code in two ways. First, the crime of aggravated assault would have been expanded to specifically include bodily injury to a pregnant woman when the result is loss of or injury to the pregnancy. Second, the general sentencing provisions would have been expanded to include consideration of the fact that the victim was pregnant at the time of the crime.

**Committee Amendment "B" (H-605)** (Minority Report) proposed to make minor changes to the bill to clarify the medical practice exception to the new crimes.

LD 738

An Act to Allow Child Support for Juveniles Committed to the  
Maine Youth Center

PUBLIC 339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON LONGLEY	OTP-AM	H-467

LD 738 proposed to authorize the courts to order parents to make reasonable support payments for juveniles committed to the Department of Corrections.

**Committee Amendment "A" (H-467)** proposed technical changes to the bill.

*Enacted law summary*

Public Law 1997, chapter 339 authorizes courts to order parents to make reasonable support payments for juveniles committed to the Maine Youth Center.

LD 739

An Act to Amend the Maine Tort Claims Act to Specifically Include  
Members of the Maine State Retirement System Medical Boards  
and Other Designated Physicians in the Definition of Employee

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	ONTP      MAJ OTP      MIN	

LD 739 proposed to extend coverage under the Maine Tort Claims Act to the members of the retirement system's medical boards and its other board-designated physicians, when serving in these capacities.



**LD 763****An Act to Amend the Procedure for Foreclosure by Publication****PUBLIC 62**

<u>Sponsor(s)</u> LAVERDIERE	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 763 proposed to give certificates of publication of foreclosure made by an officer or employee of the newspaper that published the notice of foreclosure the same force and effect as if it were a certificate made by a register of deeds.

***Enacted law summary***

Public Law 1997, chapter 62 gives certificates of publication of foreclosure made by an officer or employee of the newspaper that published the notice of foreclosure the same force and effect as if it were a certificate made by a register of deeds.

**LD 769****An Act to Limit Landowner Liability for Injuries to Independent Contractors Engaged in Harvesting Activities****ONTP**

<u>Sponsor(s)</u> WATERHOUSE CAREY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 769 proposed to extend the current limitation of landowner liability for recreational and harvesting activities to landowners who hire independent contractors to perform timber harvesting activities on the landowner's property, regardless of who causes the injury.

**LD 795****An Act to Expand Asset Forfeiture Provisions****ONTP**

<u>Sponsor(s)</u> MURRAY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 795 proposed to expand the types of criminal assets that may be forfeited by including all property used in, intended for use in or acquired with the profits of any crime not already specified in the Maine Revised Statutes, Title 15, section 5821.

**LD 818****An Act to Amend the Small Claims Court Laws****PUBLIC 23**

<u>Sponsor(s)</u> HARRIMAN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 818 proposed to increase the maximum dollar amount of debt or damages that may be heard in small claims court from \$3,000 to \$4,500.

***Enacted law summary***

Public Law 1997, chapter 23 increases the maximum dollar amount of debt or damages that may be heard in small claims court from \$3,000 to \$4,500.

**LD 826                      An Act to Amend the Adoption Laws Relating to Consent and                      PUBLIC 239**  
**Forms for Surrender and Release**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-170

LD 826 proposed changes to the adoption laws concerning filing a consent before filing a petition, executing a consent in the presence of the Probate Judge, the number of required copies of specific documents and adoption studies.

**Committee Amendment "A" (S-170)** proposed to clarify and revise the law on the investigations, studies and reports that must be completed before the Probate Court finalizes adoptions.

***Enacted law summary***

Public Law 1997, chapter 239 revised the adoption laws by prohibiting the filing of a consent to adoption prior to the filing of a petition to adopt, by requiring an adoptee over 13 years of age who is consenting to the adoption to execute that consent in the presence of the Probate Court Judge, by requiring the execution of only one original consent or surrender and release form, and by clarifying when an investigation and adoption study are required.

**LD 827                      An Act to Authorize Corporate Officers to Represent Their                      PUBLIC 238**  
**Corporation in Certain Civil Actions in District Court**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BODWELL HARRIMAN	OTP-AM	H-296

LD 827 proposed to allow an officer or authorized employee of a corporation who is not an attorney to represent that corporation in court.

**Committee Amendment "A" (H-296)** proposed to replace the bill by authorizing an officer of a Maine corporation with five or fewer shareholders to represent the corporation in court to defend a civil action.

***Enacted law summary***

Public Law 1997, chapter 238 authorizes an officer of a Maine corporation with five or fewer shareholders to represent the corporation in court to defend a civil action.

**LD 860****An Act to Extend the Waiting Period for Obtaining a Divorce****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND	ONTP MAJ	
PARADIS	OTP-AM MIN	

LD 860 proposed to extend the waiting period between filing a divorce action and the hearing on the petition to six months unless there has been proof of abuse by a preponderance of the evidence.

**Committee Amendment "A" (H-403)** (Minority Report) proposed to allow an exception to the six-month period when a protection from abuse order is issued. It would have required a staff study collecting information about divorce trends in other states.

**LD 869****An Act to Amend the Statute of Limitations for Health Care Providers and Health Care Practitioners to Include a Discovery Rule****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND		

LD 869 proposes a discovery rule with respect to the statute of limitations relating to health care providers and health care practitioners. The bill proposes that an action for professional negligence must be commenced within three years after a plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act of professional negligence of which the plaintiff complains. This bill has been carried over to the Second Regular Session.

**LD 886****An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds****PUBLIC 203**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-151

LD 886 proposed to repeal existing fee provisions applicable to trustees investing in affiliated investments and establish disclosure requirements for investments by trustees in affiliated investments.

**Committee Amendment "A" (S-151)** proposed to require a trustee to disclose certain information in writing when the trustee proposes to purchase or continues to hold securities or bonds in which the trustee or an affiliate of the trustee has an interest.

***Enacted law summary***

Public Law 1997, chapter 203 protects the interests of a trust beneficiary by requiring a trustee to disclose certain information in writing when the trustee proposes to purchase or continues to hold securities or bonds in which the trustee or an affiliate of the trustee has an interest.

**LD 893**                      **An Act to Conform the Provisions of the Maine Business Corporation Act Regarding Derivative Proceedings to the Provisions of the Revised Model Business Corporation Act**                      **PUBLIC 307**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENOIT	OTP-AM	S-201

LD 893 proposed to repeal section 627 of the Maine Business Corporation Act governing derivative suits and replace it with the appropriate provisions from the Revised Model Business Corporation Act.

**Committee Amendment "A" (S-201)** proposed to make technical corrections and to amend the effective date to be prospective only.

***Enacted law summary***

Public Law 1997, chapter 307 amends the Maine Business Corporation Act to make the derivative suit provisions consistent with the Model Business Corporation Act. The new provisions apply to derivative suits filed after the effective date of the bill.

**LD 897**                      **An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VIGUE	ONTP	

LD 897 proposed to eliminate the \$2,000 ceiling for creating a purchase money security interest without filing a UCC financing statement with the Secretary of State.

**LD 899**                      **An Act Regarding Terminal Rental Adjustment Clauses Vehicle Leasing**                      **PUBLIC 352**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLDUC CAREY	OTP-AM	H-530

LD 899 proposed to provide that motor vehicle or trailer leases that specify that the rental price may or must be adjusted upward or downward based on the amount realized upon sale or disposition of the vehicle do not create a sale or security interest.

**Committee Amendment "A" (H-530)** proposed to place the terminal rental adjustment clause leases provisions in Title 10.

***Enacted law summary***

Public Law 1997, chapter 352 provides that motor vehicle or trailer leases that specify that the rental price may or must be adjusted upward or downward based on the amount realized upon sale or disposition of the vehicle do not create a sale or security interest.

**LD 916                      An Act to Allow Physician-assisted Deaths for the Terminally Ill                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS MITCHELL B		

LD 916 proposes to create the Death with Dignity Act. It would allow a mentally competent adult who is suffering from a terminal illness to request and obtain medication from a physician to end that patient's own life in a humane and dignified manner, with safeguards to ensure that the patient's request is voluntary and based on an informed decision. This bill has been carried over to the Second Regular Session.

**LD 938                      An Act to Include Incorporated Fire Departments Recognized by  
Any Authority Created by Statute within the Protection of the  
Maine Tort Claims Act                      PUBLIC 234**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER	OTP-AM	S-172

LD 938 proposed to include within the protection of the Maine Tort Claims Act any incorporated fire fighting unit that is officially recognized by any authority created by statute.

**Committee Amendment "A" (S-172)** proposed to limit the scope of the original bill by including within the protection of the Maine Tort Claims Act only incorporated fire fighting units that are nonprofit.

***Enacted law summary***

Public Law 1997, chapter 234 expands the protection of the Maine Tort Claims Act to cover incorporated fire fighting units that are nonprofit.

**LD 944**

**Resolve, Establishing a Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities**

**RESOLVE 72**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT JONES K	OTP-AM	S-152 S-409 MICHAUD

LD 944, a resolve, proposed to establish the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities.

**Committee Amendment "A" (S-152)** proposed to add an appropriation section and a fiscal note to the resolve.

**Senate Amendment "A" to Committee Amendment "A" (S-409)** proposed to increase the number of commission members, change the reporting date and provide per diem and expenses for legislative members.

***Enacted law summary***

Resolves 1997, chapter 72 creates the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities. The commission will review the current system of distribution and funding of the equipment and explore alternatives, including programs in other states and distribution through telecommunications companies. The commission will also explore alternative funding mechanisms for expansion of the current loaner program that will include the use of additional equipment

**LD 955**

**An Act to Permit the Joint Tribal Council of the Passamaquoddy Tribe to Change the Names of Geographical Locations within Passamaquoddy Territory**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE	ONTP	

LD 955 proposed to authorize the Joint Tribal Council of the Passamaquoddy Tribe to change the names of geographic features such as lakes, hills, streams, ponds, etc., within Passamaquoddy territory from offensive names, usually assigned before the enactment of the Act to Implement the Maine Indian Claims Settlement, the Maine Revised Statutes, Title 30, chapter 601, to appropriate pre-discovery or original names. See also LD 1269.

**LD 956**

**An Act to Repeal the Law Providing that State Laws Apply to Indian Lands**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE	ONTP	

LD 956 proposed to repeal the provision of the Act to Implement the Maine Indian Claims Settlement that provides that all Indians, Indian nations and tribes and bands of Indians in the State and their lands are subject to the laws of the State. See also LD 1269.

<b>LD 957</b>	<b>An Act to Require Full Faith and Credit for Decisions of the Tribal Court</b>	<b>ONTP</b>
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<u>Sponsor(s)</u> MOORE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 957 proposed to require that the proceedings, findings, orders and decisions of the Passamaquoddy Tribal Court and the Penobscot Nation Tribal Court be given the same weight and force as proceedings, findings, orders and decisions of the courts of the State. See also LD 1269.

<b>LD 964</b>	<b>An Act to Transfer Certain Tribal Holdings into a Trust</b>	<b>CARRIED OVER</b>
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<u>Sponsor(s)</u> MOORE	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 964 proposes to allow lands in Albany Township that are contiguous to the land that is currently held in trust for the Passamaquoddy Tribe to be included in Passamaquoddy Indian Territory. Under the terms of the Act to Implement the Maine Indian Claims Settlement Act of 1980, the Maine Revised Statutes, Title 30, section 6205, subsection 5, this conversion needs the express consent of the Maine Legislature and the Maine Indian Tribal-State Commission. The bill also proposes to extend the deadline for the United States Secretary of the Interior to acquire lands to be included as trust lands for the Passamaquoddy Tribe. This bill has been carried over to the Second Regular Session.

<b>LD 966</b>	<b>An Act to Make All Persons within Passamaquoddy Indian Territory Subject to Tribal Court Jurisdiction</b>	<b>ONTP</b>
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<u>Sponsor(s)</u> MOORE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 966 proposed to expand the jurisdiction of the Passamaquoddy Tribal Court to include Class D and Class E crimes and many civil actions arising within the Passamaquoddy Indian territory, and including any person who is within the Passamaquoddy Indian territory, not just those who are members of a federally recognized tribe.

**LD 974**

**An Act Concerning the Review of Certain Sentences Imposed on Defendants**

**PUBLIC 354**

Sponsor(s)  
JABAR

Committee Report  
OTP-AM

Amendments Adopted  
H-487

LD 974 proposed to allow the State, when a defendant files an appeal of a judgment of conviction or a sentence imposed, to seek a full review of the sentence imposed and a more severe sentence than that imposed by the lower court.

**Committee Amendment "A" (H-487)** proposed to bar sentence review in any case in which the disposition reflects the acceptance of a plea agreement between the parties.

***Enacted law summary***

Public Law 1997, chapter 354 bars sentence review in any case in which the disposition reflects the acceptance of a plea agreement between the parties as provided in Maine Criminal Rules of Procedure, Rule 11, subsection (a)(2) or (a)(4).

**LD 995**

**An Act to Provide for Accomplice Liability with Respect to Civil Violations**

**ONTP**

Sponsor(s)  
JONES SL  
HALL

Committee Report  
ONTP

Amendments Adopted

LD 995 proposed to provide for accomplice liability with respect to civil violations. See LD 397.

**LD 1003**

**An Act to Amend the Maine Civil Legal Services Fund**

**PUBLIC 173**

Sponsor(s)  
THOMPSON  
LONGLEY

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted  
H-295

LD 1003 proposed to create a mechanism for funding the existing Maine Civil Legal Services Fund, established by the Legislature in 1991, and for distributing those funds among the providers of civil legal services to low-income Maine people and to needy elderly in Maine. The bill proposed to create a commission to determine the allocation of funds to providers, and to fund the Maine Civil Legal Services Fund from increases in civil filing fees in addition to a \$5 surcharge in civil fines.

**Committee Amendment "A" (H-295)** proposed to prohibit any money disbursed from the Maine Civil Legal Services Fund from being used for lobbying purposes, except when the recipient organization is responding to a request by a Legislator or a member of the Executive Department. It proposed to allow the Judicial Department to



draw necessary start-up costs from the fund. The amendment proposed to change the date that triggers the funding mechanism from January 1, 1997 to September 1, 1997, and to exempt small claims fees from deposits in the fund. It proposed to require the Civil Legal Services Fund Commission to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by February 1, 1999 on the types of cases handled by recipients and how the commission has allocated money distributed from the fund.

***Enacted law summary***

Public Law 1997, chapter 173 creates a mechanism for funding the existing Maine Civil Legal Services Fund and for distributing those funds among the providers of civil legal services to low-income Maine people and to needy elderly in Maine. It creates a commission to determine the allocation of funds to providers, and to fund the Maine Civil Legal Services Fund from increases in civil filing fees in addition to a \$5 surcharge in civil fines. Money disbursed from the Fund may not be used for lobbying purposes, except when the recipient organization is responding to a request by a Legislator or a member of the Executive Department. The commission must report to the Legislature by February 1, 1999 on how the fund is being used.

**LD 1017**

**An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages**

**PUBLIC 65**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	H-104
	ONTP      MIN	

LD 1017, an initiated bill, proposed to prohibit persons of the same sex from contracting marriage.

**Committee Amendment "A" (H-104)** proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 65 prohibits persons of the same sex from contracting marriage.

**LD 1028**

**An Act to Amend the Maine Probate Code**

**PUBLIC 191**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP	

LD 1028 proposed to allow trustees to divide a single trust into two or more identical trusts.

***Enacted law summary***

Public Law 1997, chapter 191 allows trustees to divide a single trust two or more identical trusts. This change will assist in situations when the federal generation-skipping transfer tax applies so as to permit fiduciaries flexibility to administer trusts in a way that maximizes the use of any exemption against the generation-skipping transfer tax in order to reduce or avoid the imposition of that tax.

**LD 1032****An Act to Simplify the Filing of Claims in Probate Estates****PUBLIC 321**Sponsor(s)  
FISKCommittee Report  
OTPAmendments Adopted

LD 1032 proposed to allow a creditor of a deceased person, whose estate has not yet been filed, to present the creditor's claim in a simple manner without requiring the creditor to initiate the probate of the estate.

***Enacted law summary***

Public Law 1997, chapter 321 allows a creditor of a decedent to present a claim before the estate is formally commenced by filing with the probate court a written statement of claim and a demand for notice which entitles the creditor to receive service of any filing with the probate court or notice or order of the court which pertain to the creditor's claim. Once the probate estate is filed and a personal representative appointed, the personal representative may disallow or allow the claim.

**LD 1042****An Act to Protect People with Limited Mental Capacity****ONTP**Sponsor(s)  
MITCHELL E  
DAGGETTCommittee Report  
ONTPAmendments Adopted

LD 1042 proposed to require that mentally ill persons, persons with mental retardation and persons eligible for services from the Department of Mental Health, Mental Retardation and Substance Abuse Services be accompanied by a competent guardian, parent or friend when questioned by a law enforcement agency in connection with a suspected crime. Any statement made by the person during questioning conducted outside the presence of a competent guardian, parent or friend would have been inadmissible in court.

**LD 1050****An Act to Revise the Prelitigation Malpractice Screening Panel Procedures, Criteria and Composition****CARRIED OVER**Sponsor(s)  
SAVAGECommittee ReportAmendments Adopted

LD 1050 proposes to amend the procedures for mandatory prelitigation screening and mediation panels by changing the composition of the panels, requiring the panels to determine whether there are genuine issues of material fact concerning the claim, and prohibiting the use of the panels for litigation that does not involve a health care practitioner as a defendant. This bill has been carried over to the Second Regular Session.

**LD 1053**

**An Act to Implement the Recommendations of the Family Law  
Advisory Commission Concerning Parental Rights and  
Responsibilities**

**PUBLIC 187**Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1053 was submitted by the Family Law Advisory Commission pursuant to Public Law 1995, chapter 694. It proposed to implement the recommended statutory changes contained in the commission's report to the Joint Standing Committee on Judiciary.

***Enacted law summary***

Public Law 1997, chapter 187 implements the legislative recommendations of the Family Law Advisory Commission. Chapter 187 clarifies the definition of shared parental rights and responsibilities, recognizes that primary residential care of the child may be shared or allocated, allows the court to consider evidence of willful misuse of the protection from abuse process, incorporates the best interest of the child standard into orders issued under the protection from abuse process, and clarifies that orders concerning parental rights and responsibilities issued under the protection from abuse process do not have res judicata effect in separate proceedings.

**LD 1057**

**An Act to Amend the Laws Regarding Wrongful Death and  
Recoveries for Wrongful Death**

**CARRIED OVER**

Sponsor(s)  
MILLS

Committee ReportAmendments Adopted

LD 1057 proposes to rewrite the wrongful death statute to make the law more understandable. This bill has been carried over to the Second Regular Session.

**LD 1062**

**An Act to Implement the Recommendations of the Judicial  
Compensation Commission**

**CARRIED OVER**Sponsor(s)Committee ReportAmendments Adopted

LD 1062 proposed to implement the recommendations of the Judicial Compensation Commission established by the Maine Revised Statutes, Title 4, chapter 35. The bill proposed to increase the direct compensation for the State's judges and justices, equalize the salaries of District Court Judges and Superior Court Justices, increase the per diem rate for Active Retired Judges and improve the retirement benefit under the Maine Judicial Retirement System. The bill proposed to remove the provision repealing the Judicial Compensation Commission in 1999.

After the Judiciary Committee reported out the bill, the House and Senate recommitted the bill to the Joint Standing Committee on Appropriations and Financial Affairs. This bill has been carried over to the Second Regular Session by the Joint Standing Committee on Appropriations and Financial Affairs.

**Committee Amendment "A" (S-286)** (Majority Report) proposed to increase judicial salaries, but at a lower rate than proposed in the bill. It also proposed to revise the retirement benefits to include a “blended cap.”

**LD 1064**                      **An Act to Require that Reasonable Notice Be Given to the Defendant When a Protection from Abuse or Harassment Proceeding Is Started while Other Litigation is Pending between the Parties**                      **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1064 proposed to require that reasonable notice be given to a defendant when a person starts a protection from abuse or harassment proceeding while other litigation is pending between the parties as governed by the Maine Rules of Civil Procedure, Rule 65(a).

**LD 1081**                      **An Act to Clarify the Adoption Laws**                      **ONTP**

<u>Sponsor(s)</u> MITCHELL J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1081 proposed to prohibit an unmarried biological parent from adopting his or her minor child. This change in law will avoid the situation presented in *Department of Human Services v. Sabattus*, 683 A.2d 170 (Me. 1996), in which an unmarried mother adopted her biological child and the biological father was found to have lost the rights of a parent but not the responsibilities.

**LD 1088**                      **An Act to Clarify the Interpretation of Property Descriptions**                      **ONTP**

<u>Sponsor(s)</u> BIGL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1088 proposed to provide, with two exceptions, that numerical distances set forth in a deed description of property boundaries govern over nonnumerical directions. The bill proposed to enact law contrary to that set forth in Taylor v. Hanson, 541 A.2d 155 (Me. 1988) and Snyder v. Haagen, 679 A.2d 510 (Me. 1996).

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP MAJ	
THOMPSON	ONTP MIN	

LD 1116 proposed to extend to all citizens regardless of their sexual orientation the same civil rights protections now guaranteed to citizens on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. Discrimination in the areas of employment, housing, public accommodations and credit would be prohibited.

**House Amendment "A" (H-397)** proposed to limit the prohibition on discrimination based on sexual orientation as it would apply to education institutions and charitable institutions supported by religious organizations, persons' rights to express opinions or refusal to support a lifestyle, extension of employee benefits to partners, foster and adoption placements, and organizations providing services to children. The amendment proposed that prohibitions on discrimination on the basis of sexual orientation may not be construed to mean the State condones homosexual or bisexual conduct, nor support or authorize numerical goals or quotas or other types of affirmative action programs with respect to homosexuality or bisexuality. (Not adopted.)

**House Amendment "B" (H-401)** The amendment proposed to exempt an employer with five or fewer employees from the provisions of the Maine Human Rights Act regarding employment discrimination. (Not adopted.)

**House Amendment "C" (H-402)** proposed to repeal references to protected classes in portions of the Maine Human Rights Act and replaces them with a general prohibition against discrimination in the areas specified in current law subject to certain exceptions. (Not adopted.)

**House Amendment "D" (H-421)** proposed to make the bill subject to approval at referendum to be held in November 1997. (Not adopted.)

#### *Enacted law summary*

Public Law 1997, chapter 205 extends to all citizens regardless of their sexual orientation the same civil rights protections now guaranteed to citizens on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. Discrimination in the areas of employment, housing, public accommodations and credit are prohibited.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM	H-466

LD 1154 proposed to abolish the requirement that employers withhold the wages of an employee who owes child support payments.

**Committee Amendment "A" (H-466)** proposed to replace the bill and limit the penalty an employer or other payor may be required to pay to \$500 or the amount that should have been withheld.

*Enacted law summary*

Public Law 1997, chapter 332 limits the penalty an employer or other payor may be required to pay for failure to comply with a child support withholding order to \$500 or the amount that should have been withheld.

**LD 1157                      An Act to Grant to Joint Standing Committees of the Legislature                      ONTP**  
**Access to Confidential Information**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARVIN BENOIT	ONTP	

LD 1157 proposed to allow joint standing committees of the Legislature to meet in executive session for the purpose of considering information and records designated by state law or rule as confidential, provided the subject matter is within the jurisdiction of the committee.

**LD 1163                      An Act to Amend Child Protective Laws                      PUBLIC 475**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARVIN MITCHELL B	OTP-AM	H-344 H-456 THOMPSON

LD 1163 proposed to shorten the time periods in child protective proceedings and elevate the best interests of the child to first priority in determining child protection and termination of parental rights.

**Committee Amendment "A" (H-344)** proposed to add to the list of circumstances in which review is not mandated and to shorten the 90-day waiting period for filing a termination period to 45 days.

**House Amendment "A" to Committee Amendment "A" (H-456)** proposed to make technical changes.

*Enacted law summary*

Public Law 1997, chapter 475 shortens the time periods in child protective proceedings and elevates the best interest of the child to the first priority in determining child protection and termination of parental rights.

Sponsor(s)  
MILLS

Committee Report  
OTP-AM

Amendments Adopted  
S-173

LD 1167 proposed to clarify what an owner may recover as damages when agricultural or forest products are destroyed or carried away without permission of the owner or when a property marker or monument is disturbed.

**Committee Amendment "A" (S-173)** proposed to make technical changes in the bill and to expand the allowable damages for restoring a marker or monument.

***Enacted law summary***

Public Law 1997, chapter 214 clarifies what an owner may recover as damages when agricultural or forest products are destroyed or carried away without permission of the owner. It also allows an owner who has had land, forest products or agricultural products damaged due to the disturbance, removal or destruction of any monument to include in damages claimed the cost of engineering and surveying services necessary to reestablish the monument and its proper location.

Sponsor(s)  
STEDMAN

Committee Report  
ONTP

Amendments Adopted

LD 1178 proposed to permit paralegals to represent clients in small claims cases and in alternative dispute resolution according to rules adopted by the Supreme Judicial Court.

Sponsor(s)  
MITCHELL J

Committee Report

Amendments Adopted

LD 1181 proposes to repeal the provision of law that provides that when any person suffers death or damage as a result partly of that person's own fault and partly of the fault of any other person and that person is found by the jury to be equally at fault, that person may not recover damages. This bill has been carried over to the Second Regular Session.

**LD 1208****An Act to Allow the Courts to Suspend the Drivers' Licenses of Individuals Convicted of Civil Offenses Who Fail to Pay Their Fines within the Time Limits Ordered by the Court****CARRIED OVER**

Sponsor(s)  
GOOLEY  
BENOIT

Committee Report

Amendments Adopted

LD 1208 proposes to require the court and the court clerk to suspend the driver's license of any person who does not pay the fine imposed for a civil violation within the time directed by the court. In addition, the bill proposes that the license must be suspended if the person does not appear in court as directed by the court after having been adjudicated as having committed the civil violation. This bill has been carried over to the Second Regular Session.

**LD 1213****An Act to Create a Family Division within the State's District Court****PUBLIC 269**

Sponsor(s)  
MITCHELL E  
AMERO

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted  
H-347

LD 1213 proposed to create a Family Division within the District Court. The division would consist of para-judicial officers called family case management officers and other necessary staff.

**Committee Amendment "A" (H-347)** proposed to require the consideration of the needs of all geographic areas in selecting the family case management officers (FCMOs), revise the FCMOs' qualifications, limit the authority of FCMOs, establish effective dates for FCMO orders, establish an appeal process and to require the State Court Administrator to report to the Judiciary Committee about the FCMO selection process.

***Enacted law summary***

Public Law 1997, chapter 269 establishes the Family Court Division within the District Court. The Chief Judge of the District Court, with the approval of the Chief Justice of the Supreme Judicial Court, will appoint the family case management officers (FCMOs). FCMOs must be attorneys with experience and interest in family law-related areas. They will hear and decide certain types of actions and motions, including child support cases.

Because the FCMOs and support staff focus their efforts on cases involving child support, federal matching funds are available to cover 66% of the cost of these positions. Funding is provided through Public Law 1997, chapter 24.

The Family Division begins operating on January 1, 1998.



**LD 1231****An Act Regarding the Leasing of Buildings****PUBLIC 362  
EMERGENCY**

Sponsor(s)  
LAWRENCE  
OTT

Committee Report  
OTP-AM

Amendments Adopted  
S-242

LD 1231 proposed to permit the Judicial Department to sublease property it holds as tenant to other government agencies.

**Committee Amendment "A" (S-242)** proposed to limit the scope of the original bill by authorizing the Judicial Department to sublease real property that it holds as tenant in the Town of York only.

***Enacted law summary***

Public Law 1997, chapter 362 allows the Judicial Department to sublease real property that it holds as tenant in the Town of York to other government agencies. A sublease may be for a period of five years or less. This law takes effect May 31, 1997.

**LD 1254****An Act to Restrict the Use of Social Security Numbers****ONTP**

Sponsor(s)  
VEDRAL

Committee Report  
ONTP MAJ  
OTP-AM MIN

Amendments Adopted

LD 1254 proposed to expand the prohibition under current law on use of social security numbers to prohibit all businesses, organizations, governmental entities and all other entities operating in the State from requesting a person's social security number for any purpose, with exceptions.

**Committee Amendment "A" (H-508)** proposed to add a fiscal note.

**LD 1257****An Act to Require Compensation for Loss of Property Value Due to State or Local Regulation****ONTP**

Sponsor(s)  
JOY

Committee Report  
ONTP MAJ  
OTP-AM MIN

Amendments Adopted

LD 1257 proposed to require the State and its political subdivisions to pay property owners when state or local regulations lower the owner's property value by more than 50%.

**Committee Amendment "A" (H-509)** (Minority Report) proposed to make the provisions apply prospectively only, and to exempt shoreland zoning ordinances.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP	

LD 1267 proposed to abolish the Judicial Council.

#### *Enacted law summary*

Public Law 1997, chapter 134 abolishes the Judicial Council. The Maine Criminal Justice Sentencing Institute remains in effect, but the appointment process and other authorizations of the institute are supervised by the Chief Justice of the Supreme Judicial Court rather than the Judicial Council.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-531

LD 1269 comprises the legislative recommendations of the Task Force on Tribal-State Relations, created by Resolve 1995, chapter 84. It proposed to alter the quorum requirement and to establish the Advisory Committee on Tribal-State Relations is created to assist the Maine Indian Tribal-State Commission in its responsibilities by serving as a source of advice to the commission and as a broad forum for the discussion of any issues concerning tribal-state relations, including issues not included in the Act to Implement the Maine Indian Claims Settlement.

**Committee Amendment "A" (H-531)** proposed to replace the bill with a resolve directing the Maine Indian Tribal-State Commission to conduct a study to identify policies, programs or provisions that could be undertaken to foster the social and economic strength of both the State and Maine's tribal communities.

#### *Enacted law summary*

Resolves 1997, chapter 45 directs the Maine Indian Tribal-State Commission to conduct a study, over the next four years, in consultation with appropriate representatives of affected tribes and agencies of the State, including teachers and local law enforcement, to identify policies, programs or provisions that could be undertaken to foster the social and economic strength of both the State and Maine's tribal communities. The commission must convene an annual Assembly of the Chiefs and the Governors and make periodic reports to the Legislature.

**LD 1272****An Act to Ensure Enforcement of Protection from Abuse Laws****PUBLIC 194**

Sponsor(s)  
LONGLEY

Committee Report  
OTP

Amendments Adopted

LD 1272 proposed to require the Maine Criminal Justice Information System Policy Board to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 1st of each year concerning the methods devised to keep accurate, updated records of misdemeanor crimes of domestic violence, to ensure enforcement of 18 United States Code, Section 922 (1996).

***Enacted law summary***

Public Law 1997, chapter 194 requires the Maine Criminal Justice Information System Policy Board to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 1st of each year concerning the methods devised to keep accurate, updated records of misdemeanor crimes of domestic violence, to ensure enforcement of 18 United States Code, Section 922 (1996).

**LD 1283****An Act to Restrict Parental Rights of Convicted Sex Offenders****PUBLIC 363**

Sponsor(s)  
BAKER J  
FERGUSON

Committee Report  
OTP-AM

Amendments Adopted  
H-465

LD 1283 proposed to require the court to terminate the parental rights of a person convicted of certain sexual offenses involving a minor.

**Committee Amendment "A" (H-465)** proposed to replace the bill by providing for the termination of parental rights and responsibilities of a parent when a parent is convicted of a crime involving sexual intercourse that resulted in the conception of the child.

***Enacted law summary***

Public Law 1997, chapter 363 creates a process under which the parental rights of a parent may be terminated if that parent is convicted of a crime involving sexual intercourse that resulted in the conception of the child.

**LD 1296****An Act to Amend the Maine Probate Code to Eliminate Interest on Claims of Creditors of Insolvent Estates****PUBLIC 202**

Sponsor(s)  
MURRAY

Committee Report  
OTP-AM

Amendments Adopted  
S-150

LD 1296 proposed to amend the Probate Code to eliminate interest on claims of creditors of insolvent estates to reduce complications.

**Committee Amendment "A" (S-150)** proposed to clarify the rate of interest and the effective date.

***Enacted law summary***

Public Law 1997, chapter 202 amends the Probate Code to eliminate interest on claims of creditors of insolvent estates, and permits interest to accrue on claims presented to an insolvent estate that are secured by property worth more than the claim. It clarifies the rate of interest. It also makes the bill applicable only to estates where the decedent dies on or after October 1, 1997.

**LD 1322                      An Act to Strengthen the Laws Governing Nonpayment of Child Support                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	ONTP	

LD 1322 proposed that, for purposes of suspension of a motor vehicle operator's license or permit for failure to pay child support, if the support obligor's license or permit has been suspended for nonpayment of support within the previous 12 months, the support obligor must have made full payments within the previous 30 days to be considered in compliance. The bill also proposed to provide that after the fourth suspension of a support obligor's license or permit, the license or permit may not be reinstated for one year.

See also LD 1834.

**LD 1328                      An Act to Enact the Uniform Transfer on Death Security Registration Act                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS LIBBY		

LD 1328 proposes to establish the Uniform Transfer on Death Security Registration Act. This bill has been carried over to the Second Regular Session.

**LD 1372                      An Act to Unify the Court System                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR		

LD 1372 proposes to unify the trial courts in this State into one trial court, called the Superior Court, effective January 1, 2000. This bill has been carried over to the Second Regular Session.

**LD 1378****An Act to Amend the Uniform Commercial Code as it Relates to  
Letters of Credit and Investment Securities****PUBLIC 429**Sponsor(s)  
MILLSCommittee Report  
OTP-AMAmendments Adopted  
S-309

LD 1378 proposed changes recommended by the National Conference of Commissioners on Uniform State Laws as revisions to the Uniform Commercial Code, Article 5, on letters of credit and Article 8, on investment securities.

**Committee Amendment "A" (S-309)** proposed to make technical changes, to conform the Maine Revised Statutes, Title 30-A, section 5706, subsection 2 with Part B of the bill and to recognize an alternative means by which municipalities investing in repurchase agreements may acquire an interest in United States Government obligations.

***Enacted law summary***

Public Law 1997, chapter 429 enacts the revisions to the Uniform Commercial Code, Article 5 (letters of credit) and Article 8 (investment securities) as adopted by the National Conference of Commissioners on Uniform State Laws.

**LD 1384****An Act to Reform Procedure in Multiparty Lawsuits****CARRIED OVER**Sponsor(s)  
MILLSCommittee ReportAmendments Adopted

LD 1384 proposes to restructure the comparative negligence laws and define how they should apply in cases with multiple defendants. It also proposes to restructure the laws dealing with release of joint tortfeasors when settlement is not reached and clarifies how the judge applies offsets against subsequent verdicts when there have been prejudgment settlements. The bill also proposes to authorize the courts to approve Pierringer release procedures in complex litigation. This bill has been carried over to the Second Regular Session.

**LD 1392****An Act to Require the Release of the Results of an HIV Test to a  
Person Who Has Experienced a Bona Fide Occupational Exposure****PUBLIC 331**Sponsor(s)  
WATERHOUSE  
CAREYCommittee Report  
OTP-AM MAJ  
OTP-AM MINAmendments Adopted  
H-404

LD 1392 proposed to provide that an emergency services worker who is exposed to potentially infectious blood or other bodily fluids of another person in the course of employment may require that person to submit to an HIV test and may require that the results of that test be disclosed to that emergency services worker. See also LD 1409.

**Committee Amendment "A" (H-404)** is the majority report. It proposed that anyone, including those who would be included in the definition in the original bill of "emergency services worker," who experiences a bona fide occupational exposure is entitled to receive the results of a court-ordered HIV test on a person whose blood or bodily fluid is the source of a bona fide occupational exposure, pursuant to the judicial consent procedures of the Maine Revised Statutes, Title 5, section 19203-C. It proposed to remove the discretion that the court has under current law and to repeal the provision whereby the court must consider the balance of benefit and harm to each individual before ordering the test.

**Committee Amendment "B" (H-405)** is the minority report. It proposed that anyone, including those who would be included in the definition in the original bill of "emergency services worker," who experiences a bona fide occupational exposure may receive the results of a court-ordered HIV test on a person whose blood or bodily fluid is the source of a bona fide occupational exposure, pursuant to the judicial consent procedures of the Maine Revised Statutes, Title 5, section 19203-C. It proposed to preserve the current law provisions that give the court discretion in ordering the test and to add a provision giving the court discretion to release the results to the person exposed, based upon the balance of benefit and harm to both the person exposed and the person tested. (Not adopted.)

#### *Enacted law summary*

Public Law 1997, chapter 331 provides that anyone who experiences a bona fide occupational exposure is entitled to receive the results of a court-ordered HIV test on a person whose blood or bodily fluid is the source of a bona fide occupational exposure, pursuant to the judicial consent procedures of the Maine Revised Statutes, Title 5, section 19203-C. The court no longer has discretion whether to order the test and release of the results. See also LD 1409, Public Law 1997, chapter 368.

**LD 1400**

### **An Act to Provide Notice of Municipalities When a For-profit Corporation Intends to Obtain Nonprofit Status**

**ONTP**

Sponsor(s)  
LABRECQUE

Committee Report  
ONTP

Amendments Adopted

LD 1400 proposed to require that a for-profit corporation intending to reorganize as a nonprofit corporation must notify the local officials in any municipality or unorganized territory in which it owns real property at least 30 days before it files with the Secretary of State articles of incorporation for nonprofit status.

**LD 1409****An Act to Require Mandatory Testing for Blood-borne Pathogens of Persons Who Are the Source of a Bona Fide Occupational Exposure****PUBLIC 368**Sponsor(s)  
LEMKECommittee Report  
OTP-AMAmendments Adopted  
H-532

LD 1409 proposed to require a person who assaults a law enforcement officer while the officer is acting in the course of duty and commingles that person's and the law enforcement officer's blood or body fluids to be tested for communicable diseases, including hepatitis and HIV.

**Committee Amendment "A" (H-532)** proposed to replace the original bill. It proposed to institute a judicial procedure by which a person, including a law enforcement officer, experiencing a bona fide occupational exposure may petition the court to order the person who was the source of the exposure to submit to a blood-borne pathogen test to detect diseases such as hepatitis and to order that the test results be released to the petitioner.

***Enacted law summary***

Public Law 1997, chapter 368 institutes a judicial procedure by which any person experiencing a bona fide occupational exposure may petition the court to order the person who was the source of the exposure to submit to a blood-borne pathogen test to detect diseases such as hepatitis and to order that the test results be released to the petitioner.

**LD 1412****An Act to Reinstate Municipal Courts for Specific Traffic Infractions****ONTP**Sponsor(s)  
LEMKECommittee Report  
ONTPAmendments Adopted

LD 1412 proposed to authorize one or more municipalities to establish a Municipal Court to handle traffic infractions established by municipal ordinance.

**LD 1420****An Act to Amend the Uniform Management of Institutional Funds Act****PUBLIC 302**Sponsor(s)  
AMEROCommittee Report  
OTPAmendments Adopted

LD 1420 proposed to amend the Uniform Management of Institutional Funds Act by considering appreciation on investments of endowment funds a donor restricted asset.

***Enacted law summary***

Public Law 1997, chapter 302 amends the Uniform Management of Institutional Funds Act by considering appreciation on investments of endowment funds a donor restricted asset.

**LD 1428**

**An Act to Amend the Child Support Laws Concerning Notice to Co-owners of Property Subject to Support Liens**

**PUBLIC 407**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	S-294
SAMSON		S-307 MURRAY

LD 1428 proposed to require the Department of Human Services to provide notice and an opportunity to be heard to co-owners of property in which a responsible parent has an ownership interest that may be subject to the department's broad collection authority. It also proposed to prohibit collection of a support debt based on public assistance payments from a reunited family whose family income is below the federal poverty guidelines. If the family income is above the federal poverty guidelines, income withholding would have been limited to no more than 20% of the income above the guidelines, unless the responsible parent agrees to greater withholding.

**Committee Amendment "A" (S-294)** proposed to delete from the bill provisions on collecting child support debts from reunited families and provisions on providing notice to co-owners of property when the Department of Human Services places a child support lien against property. It proposed to require the department to provide notice to co-owners before a foreclosure or other disposition of property that is the subject of an enforcement action. The co-owners must be provided with an opportunity for a hearing to determine the value of their interest before the property is sold.

**Senate Amendment "A" to Committee Amendment "A" (S-307)** proposed to correct terminology in the effective date.

***Enacted law summary***

Public Law 1997, chapter 407 requires the department to provide notice to co-owners before a foreclosure or other disposition of property that is the subject of an enforcement action. The co-owners must be provided with an opportunity for a hearing to determine the value of their interest before the property is sold.

**LD 1443**

**Resolve, Directing the Family Law Advisory Commission to Review Proposals Concerning the Use of Ethical Decision-making in Family Law Cases**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY	ONTP	

LD 1443, a resolve, proposed to require the Family Law Advisory Commission to review ethical decision-making models and determine whether the application of any of the models would be beneficial in family law.



**LD 1462**                      **An Act Regarding Responsibility for Payment of Alimony Fees in Proceedings to Modify a Divorce Decree**                      **ONTP**

<u>Sponsor(s)</u> CAMERON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1462 proposed to make the moving party or petitioner seeking to alter a domestic relations judgment or decree responsible for at least 20% of the attorney's fees generated in filing and prosecuting the motion or petition, regardless of the moving party's or petitioner's ability to pay.

**LD 1481**                      **An Act to Impose License Suspension and Other Sanctions on Those Who Fail to Pay Fines and Other Penalties**                      **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1481 proposed to authorize the court to impose sanctions - including revocation of a person's motor vehicle, hunting, fishing and trapping licenses and registrations of motor vehicles, watercraft, snowmobiles and all-terrain vehicles - upon persons who refuse to pay the fines and forfeitures assessed against them for committing crimes and civil violations and failing to pay court-appointed counsel fees and restitution. It also proposed other changes to encourage and facilitate the enforcement of laws, including allowing law enforcement officers to prosecute traffic infractions if the officer is authorized to do so by the district attorney for that prosecutorial district. See also LD 1208.

**LD 1482**                      **An Act to Expand the Duties of the Violations Bureau and Enhance the Enforcement of Civil Violations**                      **CARRIED OVER**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1482 proposes to expand the jurisdiction of the violations bureau of the District Court to include all civil violations, beginning July 1, 1998. This bill has been carried over to the Second Regular Session.

**LD 1486**                      **An Act to Establish Victims' Rights Laws**                      **ONTP**

<u>Sponsor(s)</u> JOYCE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1486 proposed to authorize victims of a crime, negligence or omission of duty to make a claim against the defendant to recover compensatory damages, punitive damages and attorney's fees.

**LD 1487****An Act to Authorize Clerks to Sign Notices of Certain Court Actions****PUBLIC 135**Sponsor(s)  
NASSCommittee Report  
OTPAmendments Adopted

LD 1487 proposed to authorize court clerks to sign the notice to appear that is sent to a person who has not paid the ordered fine, counsel fees or restitution, before a court hearing investigating the nonpayment. It also proposed to clarify the Maine Criminal Code, authorizing the clerk of the court to sign the notice to appear in court for nonpayment of fines.

***Enacted law summary***

Public Law 1997, chapter 135 authorizes court clerks to sign the notice to appear that is sent to a person who has not paid the ordered fine, counsel fees or restitution, before a court hearing investigating the nonpayment. It also clarifies the Maine Criminal Code, by authorizing the clerk of the court to sign the notice to appear in court for nonpayment of fines.

**LD 1490****An Act Allowing Appellate Review by an Aggrieved Contemnor****PUBLIC 317**Sponsor(s)Committee Report  
OTPAmendments Adopted

LD 1490 proposed to amend current law to clarify the matter of bail in contempt proceedings involving punitive sanctions under the Maine Rules of Criminal Procedure, Rule 42 or the Maine Rules of Civil Procedure, Rule 66 and material witnesses.

***Enacted law summary***

Public Law 1997, chapter 317 amends current law to clarify the matter of bail in contempt proceedings involving punitive sanctions under the Maine Rules of Criminal Procedure, Rule 42 or the Maine Rules of Civil Procedure, Rule 66 and material witnesses.

**LD 1502****An Act to Enable Victims to Benefit from the Profits from Crimes****PUBLIC 320**Sponsor(s)  
CLUKEYCommittee Report  
OTPAmendments Adopted

LD 1502 proposed to allow victims of a crime three years from the discovery or reasonable discovery of profits from the crime to bring a civil action for damages against the criminal. It also proposed to require any person or organization paying or agreeing to pay those profits to make reasonable efforts to notify the victims of the profits.

***Enacted law summary***

Public Law 1997, chapter 320, modeled after so-called "son of Sam" legislation in other states, allows victims of a crime three years from the discovery or reasonable discovery of profits from the crime to bring a civil action for damages against the criminal. It also requires any person or organization paying or agreeing to pay those profits to make reasonable efforts to notify the victims of the profits.

**LD 1508                      An Act Concerning Service of Process by the Department of Human Services                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRY	ONTP      MAJ OTP      MIN	

LD 1508 proposed to require the Department of Human Services to ensure that in serving process in an action, the papers, if being served at an individual's workplace, are given to the individual and not left with another person at the workplace.

**LD 1510                      An Act to Enforce Payment of Spousal Support                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J DAGGETT	ONTP	

LD 1510 proposed to provide that a person who is in default on a spousal support order is subject to the same enforcement provisions that apply to default on child support obligations regarding professional license revocation.

**LD 1511                      An Act to Prohibit Lawsuits Based on Disclosure of the HIV or AIDS Status of Health Care Practitioners                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J	ONTP	

LD 1511 proposed to provide immunity from civil liability for emotional distress caused by the disclosure or the failure to disclose that a health care practitioner was infected with HIV or had AIDS. The immunity from civil liability would have applied to all persons who provide health care services under Maine laws and the estates of all such persons.

**LD 1552                      An Act to Amend the Conditions upon Which a Minor May Obtain Emancipation                      DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM      MAJ ONTP        MIN	

LD 1552 proposed to amend the procedures for the emancipation of a minor to provide for a preliminary order of emancipation that is effective for 120 days. Ninety days after the preliminary order is issued, the juvenile would have been permitted to petition the court for a final order of emancipation, which would have to be issued if the criteria for emancipation were met.

**Committee Amendment "A" (H-640)** (Majority Report) proposed to revise the emancipation procedure to require the court to review the juvenile's situation between three and four months after the original emancipation order. If the criteria for emancipation are not being met at the time of the review, the court would have been authorized to rescind the emancipation order and, as in the case of denial of an emancipation petition, would have been authorized to recommend that the Department of Human Services provide services and counseling to the family. The amendment included an appropriation section to fund DHS services. (Not adopted.)

**LD 1559                      An Act to Establish the Uniform Unclaimed Property Act                      PUBLIC 508**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TAYLOR CAREY	OTP-AM	H-682 H-733 THOMPSON

LD 1559 proposed to replace the existing Unclaimed Property Act with the Uniform Unclaimed Property Act, adopted by the National Conference of Commissioners on Uniform State Laws in 1995.

**Committee Amendment "A" (H-682)** proposed to make several changes to the bill to make Maine law consistent with the Uniform Act in almost all respects.

**Senate Amendment "A" to Committee Amendment "A" (S-366)** proposed to allow only financial organizations, as defined in the bill, to deduct a charge due to dormancy from property that is being held by someone other than the property owner. (Not adopted.)

**House Amendment "A" (H-733)** proposed to make the new Uniform Unclaimed Property Act effective July 1, 1998.

***Enacted law summary***

Public Law 1997, chapter 508 enacts the 1995 version of the Uniform Unclaimed Property Act. It is effective July 1, 1998.

**LD 1583****An Act to Establish the Uniform Anatomical Gift Act****CARRIED OVER**

Sponsor(s)  
TAYLOR

Committee Report

Amendments Adopted

LD 1583 proposes to replace the existing Uniform Anatomical Gift Act with the Uniform Anatomical Gift Act adopted by the National Conference of Commissioners on Uniform State Laws in 1987. This bill has been carried over to the Second Regular Session.

**LD 1587****An Act to Establish Procedures for the Release of Confidential Information****ONTP**

Sponsor(s)  
BUNKER

Committee Report  
ONTP

Amendments Adopted

LD 1587 proposed to permit a person to inspect and copy specific information in the custody of the State about that person except that the State would have been authorized to deny an inspection or copying request if the information about the person relates to an ongoing civil or criminal investigation and is confidential under any other law. The bill also proposed to provide for permitted times of inspection and associated procedures and costs. The bill also proposed to require a person seeking inspection or copying of the information to release the State from any liability based on the information sought.

**LD 1613****An Act to Allow the Child Support Obligor the Right to Provide Regularly Scheduled Child Care****ONTP**

Sponsor(s)  
LANE  
KIEFFER

Committee Report  
ONTP      MAJ  
OTP-AM      MIN

Amendments Adopted

LD 1613 proposed to allow the nonprimary residential care provider, or either party in case primary residential care is shared equally, to provide child care personally, by a close relative or by less expensive methods if it is consistent with the best interests of the child. If a court did not allow child care under the Maine Revised Statutes, Title 19, section 316 or Title 19-A, section 2006, it would have been required to state the reasons in writing or on the record.

**Committee Amendment "A" (H-606)** (Minority Report) proposed to revise the language to make clear that child support orders issued under the child support guidelines may place the responsibility for the provision of child care be placed on both parents or on the parent not providing primary residential care. It also proposed to clarify that the provisions apply to court orders and orders issued by hearing officers.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS	ONTP MAJ	
PINGREE	OTP-AM MIN	

LD 1614 proposed to revise the Freedom of Access Law governing executive sessions to require the motion for an executive session to include the specific statutory basis for the session, and to revise the subject matter for which executive sessions are authorized. It also proposed to revise the public meeting notice requirements and requirements for minutes of public meetings and executive sessions.

**Committee Amendment "A" (H-607)** (Minority Report) proposed to require the board or agency going into executive session to state the specific statutory reference supporting the executive session if asked to do so. It also proposed to retain the current notice requirements and to revise the meeting records proposals. (Not adopted.)

**House Amendment "A" to Committee Amendment "A" (H-671)** proposed to eliminate the release of executive session meeting records, to eliminate meeting records of emergency meetings and to eliminate changes to the authorized reasons for executive sessions. (Not adopted.)

**Senate Amendment "A" to Committee Amendment "A" (S-335)** proposed to eliminate the release of executive session meeting records, to eliminate meeting records of emergency meetings and to eliminate changes to the authorized reasons for executive sessions. (Not adopted.)

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS		

LD 1636 proposes to replace the mandatory prelitigation screening panel process for medical malpractice panels with a mandatory mediation process that must be completed within 90 days of filing a claim unless the court extends the time for good cause. Expenses of mediation would be borne equally by both plaintiffs and defendants. The statute of limitations would be suspended during mediation. Discovery would be limited to medical records and experts. Confidentiality is provided for the claim during mediation and if a settlement is reached. This bill has been carried over to the Second Regular Session.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-259

LD 1639 proposed to make several technical changes and to clarify the laws governing business entities concerning signatures, attested copies, addresses of principal offices, fees and availability of names.

**Committee Amendment "A" (S-259)** proposed to clarify language concerning the use of marks, trade names and corporate names.

***Enacted law summary***

Public Law 1997, chapter 376 makes several technical changes and clarifies the laws governing business entities.

**LD 1669**

**An Act Regarding the Relocation of a Child by a Parent Having  
Primary Physical Custody**

**PUBLIC 403**

Sponsor(s)  
PLOWMAN

Committee Report  
OTP-AM

Amendments Adopted  
H-589

LD 1669 proposed to make any change in residence of a child a substantial change in circumstances under the domestic relations law pertaining to court-ordered parental rights and responsibilities. The bill proposed to require a parent seeking to relocate a child to petition the court for permission to proceed with the relocation. It proposed that if the court permits the relocation, the parent relocating the child must pay transportation costs for maintaining court-ordered contact between the child and the other parent.

**Committee Amendment "A" (H-589)** proposed that orders governing parental rights and responsibilities include a provision giving prior notice to one parent of the other parent's intended relocation of the child. Notice to the other parent would be required for any change of residence, except when giving the notice would result in danger to the parent or child. It proposed that relocation of the child to a location that will disrupt the parent-child contact between the child and the parent who is not moving gives the parent standing to petition the court for a modification of the order. It proposed that a relocation of 60 miles from the current residence or from the parent who is not relocating is presumed to disrupt the parent-child contact. In addition, the amendment proposed that receipt of notice that the other parent intends to relocate the child also gives a parent standing to petition the court for a modification.

***Enacted law summary***

Public Law 1997, chapter 403 provides guidance on the effect of relocation of child by a parent when the parents have been awarded allocated or shared parental rights and responsibilities. The order awarding parental rights and responsibilities must state that the other parent must be notified when a parent intends to relocate the child. The relocation or intended relocation of the child to a location that will disrupt the parent-child contact between the child and the parent who is not moving gives the parent standing to petition the court for a modification of the order. A relocation of 60 miles from the current residence or from the parent who is not relocating is presumed to disrupt the parent-child contact. In addition, the receipt of notice that the other parent intends to relocate the child also gives a parent standing to petition the court for a modification.

**LD 1670****An Act to Limit Indemnification in Construction Contracts****CARRIED OVER**

Sponsor(s)  
PLOWMAN

Committee Report

Amendments Adopted

LD 1670 proposes to prohibit broad form and intermediate hold harmless provisions in construction contracts. This bill has been carried over to the Second Regular Session.

**LD 1675****An Act to Amend the Victims' Compensation Fund****PUBLIC 378**

Sponsor(s)  
THOMPSON

Committee Report  
OTP-AM

Amendments Adopted  
H-486

LD 1675 proposed revisions to the Victims' Compensation statutes including expansion of coverage of the Victims' Compensation Fund to provide benefits to certain family and household members of victims who suffer financial and emotional loss as a result of crimes committed against the victims and expansion to cover additional crimes. It also proposed confidentiality provisions and proposed an increase in the maximum claim.

**Committee Amendment "A" (H-486)** proposed to allow the Victims' Compensation Board to inspect Juvenile Court records if a juvenile is alleged to have committed an offense upon which an application to the board is based. It also proposed to fund an increase in a part-time position.

#### ***Enacted law summary***

Public Law 1997, chapter 378 expands coverage of the Victims' Compensation Fund to provide benefits to certain family and household members of victims who suffer financial and emotional loss as a result of crimes committed against the victims. It covers the crime of terrorism to comply with requirements for federal funds. It adds confidentiality provisions. The maximum award on a claim is increased from \$5,000 to \$7,500. Chapter 378 allows direct application by any individual, other than a provider of services, for reimbursement of medical and funeral payments made or obligations assumed for a deceased crime victim, but it leaves to the discretion of the board whether to make payments directly to a claimant or to the provider of services for which reimbursement is sought. It clarifies that the fund may receive federal funds, private donations and payments from state funds other than from the General Fund. Chapter 378 allows the Victims' Compensation Board to inspect Juvenile Court records if a juvenile is alleged to have committed an offense upon which an application to the board is based. It increases funding for a part-time position currently funded by the Victims' Compensation Fund.

**LD 1681****An Act Regarding the Receipt of Benefits by a Child Based on a Parent's Disability and the Calculation of Parental Support Obligations****ONTP**

Sponsor(s)  
RUHLIN

Committee Report  
ONTP

Amendments Adopted



LD 1681 proposed that, for purposes of calculating child support, disability benefits received by a child based on the disability of a parent must be counted towards payment of that parent's parental support obligation. See also LD 1834.

**LD 1689                      An Act to Provide Court-ordered Income Withholding of Spousal Support                      PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND	OTP-AM      MAJ	H-681
BENOIT	ONTP        MIN	

LD 1689 proposed to require that orders of spousal support contain provisions for the withholding of income if arrearages occur.

**Committee Amendment "A" (H-681)** (Majority Report) proposed to clarify that the new provisions would apply when only spousal support, and no child support, is ordered by the court. It also proposed to authorize the payor to deduct a fee and to limit the Department of Human Services responsibilities with regard to spousal support.

***Enacted law summary***

Public Law 1997, chapter 433 provides for the implementation of an income withholding order to collect court-ordered spousal support by setting out the requirements for notice and the obligations of the payor, such as an employer.

**LD 1712                      An Act to Create a Citizen Panel on Deregulation                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACK	ONTP        MAJ	
FERGUSON	OTP-AM      MIN	

LD 1712 proposed to establish the Citizen Panel on Deregulation to advise the Legislature on obsolete or unnecessary statutory provisions and rules that should be repealed.

**Committee Amendment "A" (H-591)** (Minority Report) proposed to revise the membership of the panel to consist of 10 public members.

**LD 1713                      An Act Relating to Compensatory and Punitive Damages Under the Maine Human Rights Act                      PUBLIC 400**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM      MAJ	H-592
	ONTP        MIN	

LD 1713 proposed to make the remedies available in proven cases of unlawful discrimination under the Maine Human Rights Act the same as those now available under the Federal Civil Rights Act of 1991, the Americans with Disabilities Act of 1990 and the Federal Fair Housing Amendments Act of 1988.

**Committee Amendment "A" (H-592)** is the Majority Report. It proposed to make the provisions consistent with the Federal Civil Rights Act of 1991 and Title I of the Americans with Disabilities Act of 1990 with regard to compensatory and punitive damages for unlawful discrimination in employment and to make other revisions. It proposed to prohibit compensatory and punitive damages if the plaintiff does not first pursue remedies through the Maine Human Rights Commission. It proposed to retain the existing authorization for civil penal damages in all cases of unlawful discrimination in housing, credit, education and public accommodations, and for discrimination in employment against public entities and employers with fewer than 15 employees. The amendment proposed to prohibit punitive damages against governmental employers and employees.

#### *Enacted law summary*

Public Law 1997, chapter 400 authorizes compensatory and punitive damages for intentional employment discrimination by employers with 15 or more employees. This is consistent with the Federal Civil Rights Act of 1991 and Title I of the Americans with Disabilities Act of 1990. However, these damages are not available if the plaintiff does not first pursue remedies through the Maine Human Rights Commission. Chapter 400 retains the existing authorization for civil penal damages in all cases of unlawful discrimination in housing, credit, education and public accommodations, and for discrimination in employment against public entities and employers with fewer than 15 employees. Punitive damages against governmental employers and employees are not available.

### **LD 1728                      An Act to Promote Professional Competence and Improve Patient Care                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT		

LD 1728 proposes to expand physician peer review beyond hospital settings to include other types of settings where health care services are provided. The bill proposes to strengthen the ability of a licensed health care practitioner to become involved in providing information and reviewing another health care practitioner's competence to practice health care by specifying the confidentiality of communications about another health care practitioner, by defining a health care organization and that organization's duties and by expanding the peer review process outside of the hospital setting. This bill has been carried over to the Second Regular Session.

### **LD 1729                      An Act to Require Health-care Providers to Honor Do Not Resuscitate Orders                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT TUTTLE		

LD 1729 proposes to repeal the existing law governing advanced health-care directives and enact instead a new Part concerning "do not resuscitate" orders or "DNR" orders. This bill has been carried over to the Second Regular Session.

**LD 1784                      An Act to Expedite the Operation of Prelitigation Screening Panels      CARRIED OVER  
under the Maine Health Security Act**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1784 proposes to expedite and reduce costs related to the operation of prelitigation screening panels under the Maine Health Security Act by:

1. Requiring that, unless the plaintiff has requested that a time period be extended, the hearing be bypassed completely if it has not been held within four months;
2. Shortening certain time periods and requiring that experts submit written statements rather than testify in person;
3. Allowing the panel chair to require the parties to make their presentations of the case in writing; and
4. Clarifying the role of the prelitigation screening panels by changing the standard of proof used by the panel.

This bill has been carried over to the Second Regular Session.

**LD 1786                      An Act to Adopt the Uniform Child Custody Jurisdiction and      CARRIED OVER  
Enforcement Act**

<u>Sponsor(s)</u> LANE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1786 proposes to repeal the Maine Revised Statutes, Title 19-A, chapter 57, the Uniform Child Custody Jurisdiction Act and replace it with an updated version, the Uniform Child Custody Jurisdiction and Enforcement Act. This bill has been carried over to the Second Regular Session.

**LD 1791                      An Act to Bring the State into Conformity with the Firearms      PUBLIC 334  
Provisions of the Violence against Women Provisions of the Federal  
Violent Crime Control Act**

<u>Sponsor(s)</u> MITCHELL J PINGREE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-529
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LD 1791 proposed to make Maine law concerning possession of firearms while subject to a protection from abuse order consistent with the federal Violent Crime Control Act. Possession of a firearm while subject to an order prohibiting such possession would be a Class C crime.

**Committee Amendment "A" (H-529)** proposed to make possession of a firearm while subject to a protection order prohibiting such possession a Class D crime.

***Enacted law summary***

Public Law 1997, chapter 334 makes Maine law consistent with federal law concerning possession of a firearm while subject to a protection from abuse order that prohibits such possession.

**LD 1793                      An Act Regarding the Activities of Nonprofit Corporations                      CARRIED OVER**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1793 proposes to provide a procedure that all nonprofit corporations must follow when converting or restructuring into a for-profit or mutual benefit corporation or entity or when transferring assets to a for-profit or mutual benefit corporation or entity. The procedure would be in addition to any other review, analysis or approval required by law. This bill has been carried over to the Second Regular Session.

**LD 1806                      An Act to Amend Maine's Involuntary Commitment Laws                      PUBLIC 422**

<u>Sponsor(s)</u> BRENNAN HARRIMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-710
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LD 1806 is the unanimous result of the work done by the Task Force to Review Maine's Laws Concerning Involuntary Commitment, created by the 117th Legislature pursuant to Resolve 1995, chapter 13. The bill proposed to revise the involuntary commitment laws in order to improve the State's capacity to respond to people with mental illness in community settings. The bill proposed to add language on the responsibility to share information about possible dangerousness under certain circumstances; extend certain provisions of the involuntary commitment laws to community hospitals; adopt an amended version of the probable cause standard; clarify and amend several administrative procedures; and establish a joint responsibility of the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Corrections to provide treatment and supervision mandated by the court as a condition of probation or parole.

**Committee Amendment "A" (H-710)** proposed to clarify the role of the liaison and to correct references to state mental health institutes. It proposed to revise the definition of "least restrictive means of transportation," and to ensure that the guardian or next of kin of a person subject to involuntary commitment receives notice of the patient's rights.

***Enacted law summary***

Public Law 1997, chapter 422 is the unanimous result of the work done by the Task Force to Review Maine's Laws Concerning Involuntary Commitment, created by the 117th Legislature pursuant to Resolve 1995, chapter 13. Chapter 422 revises the involuntary commitment laws in order to improve the State's capacity to respond to people with mental illness in community settings. It adds language on the responsibility to share information about possible dangerousness under certain circumstances; extends certain provisions of the involuntary commitment laws to community hospitals; adopts an amended version of the probable cause standard; clarifies and amends several administrative procedures; ensures that the patient and the patient's guardian or next of kin receive notice about the patient's rights; and establishes a joint responsibility of the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Corrections to provide treatment and supervision mandated by the court as a condition of probation or parole.

**LD 1807                      An Act to Provide for Commitment of Sexually Violent Predators                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN		

LD 1807 proposes to provide a procedure for the commitment of a person defined as a sexually violent predator if a court finds that the person has a mental abnormality or personality disorder that makes it likely that the person will engage in predatory acts of sexual violence if not confined in a secure facility. The bill is based on laws in Kansas and Washington. This bill has been carried over to the Second Regular Session.

**LD 1834                      An Act to Improve the State's Child Support Enforcement and Overpayment Recovery Laws                      PUBLIC 466**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	OTP-AM	H-700 S-339 MURRAY

LD 1834 proposed to improve the State's child support enforcement and welfare overpayment recovery laws by:

1. Authorizing the court to revoke driver's, occupational, professional and recreation licenses for nonpayment of child support;
2. Authorizing the Commissioner of Human Services to designate employees of the Department of Human Services who are not attorneys to prepare and issue motions to modify child support orders and to handle paternity actions in court;
3. Reducing the length of time a child support obligor is in arrears before the Department may initiate license revocation proceedings from 90 days to 60 days;
4. Establishing procedures for making and enforcing agreements to pay past-due support in license revocation actions;

5. Giving credit toward current support obligations to child support obligors for social security, veteran's and other dependent benefits paid as a result of the obligor's disability;
6. Authorizing the Department to redirect child support payments to the caretaker relative who is providing primary care for the child after notice and opportunity for hearing is issued to the obligor and to the payee;
7. Extending administrative remedies of the Department of Human Services to recover public assistance overpayments to cases in which overpayments result from unintentional or agency errors; and
8. Revising the statutory language "order of support" to "support order."

**Committee Amendment "A" (H-700)** proposed to clarify language in the bill and to allow the judicial branch to provide notice to litigants of available child support enforcement services and the right to refuse services before a child support order is issued. It proposed to require the court to notify the Secretary of State of driver's license suspensions for nonpayment of child support and reinstatements.

**Senate Amendment "A" (S-339)** proposed to make a technical correction.

#### ***Enacted law summary***

Public Law 1997, chapter 466 revises the State's child support enforcement and welfare overpayment recovery laws. It authorizes the court to revoke driver's, occupational, professional and recreation licenses for nonpayment of child support. It authorizes the Commissioner of Human Services to designate employees of the Department of Human Services who are not attorneys to prepare and issue motions to modify child support orders and handle paternity actions in court. It reduces the length of time a child support obligor is in arrears before the Department may initiate license revocation proceedings from 90 days to 60 days. It establishes procedures for making and enforcing agreements to pay past-due support in license revocation actions. It gives credit toward current support obligations to child support obligors for social security, veteran's and other dependent benefits paid as a result of the obligor's disability. It authorizes the Department to redirect child support payments to the caretaker relative who is providing primary care for the child after notice and opportunity for hearing is issued to the obligor and to the payee. It extends administrative remedies of the Department of Human Services to recover public assistance overpayments to cases in which overpayments result from unintentional or agency errors. It revises the statutory language "order of support" to "support order." It allows the judicial branch to provide notice to litigants of available child support enforcement services and the right to refuse services before a child support order is issued. It requires the court to notify the Secretary of State of driver's license suspensions for nonpayment of child support and reinstatements.

**LD 1835**

**An Act to Implement Federal Welfare Reform Mandates for State  
Child Support Enforcement Laws**

**PUBLIC 537**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	OTP-AM	H-699
MILLS		S-355 MICHAUD

LD 1835 proposed to implement federal welfare reform mandates for state child support enforcement laws concerning location, paternity establishment, enforcement, medical support, modification of support orders and

access to financial information. The bill also proposed to implement a federal mandate for collecting for over-issued food stamps by intercepting unemployment benefits.

**Committee Amendment "A" (H-699)** proposed to amend the current law concerning orders to seek work to be consistent with federal law, to delete the provisions of the original bill concerning repayment of over-issued food stamps and to make technical corrections.

**Senate Amendment "A" to Committee Amendment "A" (S-355)** proposed to require the Department of Human Services to reimburse the Bureau of Taxation for additional computer programming costs.

***Enacted law summary***

Public Law 1997, Chapter 537 implements federal; welfare reform mandates for state child support enforcement laws concerning location, paternity establishment, enforcement, medical support, modification of support orders and access to financial information.

**LD 1867**

**An Act to Protect Victims of Domestic Violence**

**PUBLIC 507**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M KILKELLY	OTP-AM	H-687 S-389 MICHAUD

LD 1867 proposed to:

1. Increase the penalty for domestic assault involving bodily injury to a spouse or partner who regularly resides in the household by providing that such an assault is a Class C crime rather than a Class D crime;
2. Enhance the penalty for violations against family or household members if a second violation occurs within two years of the original conviction;
3. Permit consideration of out-of-court statements of a victim;
4. Require the Maine Commission on Domestic Abuse to establish a domestic abuse homicide review panel to review deaths resulting from domestic abuse;
5. Require approval of a probate judge for marriage of a person under 18 years of age and a finding that the marriage is in the best interest of that person;
6. Establish a study commission to review the impact of the bail code on domestic violence; and
7. Require the courts to establish two pilot projects to provide direct judicial supervision of individuals convicted of domestic abuse crimes.

**Committee Amendment "A" (H-687)** proposed to delete from the original bill the provisions amending the Maine Criminal Code, the study of the Maine Bail Code and the pilot project relating to judicial supervision of persons convicted of domestic abuse. It proposed to revise the role of the Probate Court Judge in authorizing minors to marry. The amendment proposed to revise the duties and powers of the Domestic Abuse Homicide Review Panel, appointed by the Maine Commission on Domestic Abuse, to include data collection and compilation and access to necessary information. The amendment proposed to require the commission to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 1, 1999 and every year after that.

**Senate Amendment "A" (S-389)** proposed to add a mandate preamble to the bill.

#### *Enacted law summary*

Public Law 1997, chapter 507 directs the Maine Commission on Domestic Abuse to create a Domestic Abuse Homicide Review Panel to review the deaths of persons who are killed by family or household members. The Commission must report to the Legislature on annual basis. Chapter 507 also expands the Commission to include up to eight members-at-large, appointed by the Governor. Chapter 507 requires a Probate Court Judge who is notified by a minor that the minor wants to get married to give or refuse consent within 30 days. The judge shall consider the ages of the parties and the criminal record of any party who is at least 18 and shall base the decision on the best interest of any party under 18.

#### **LD 1902**

**An Act to Amend the Filing Date Provision in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Correct Certain Provisions in Recently Enacted Legislation**

**PUBLIC 562  
EMERGENCY**

Sponsor(s)  
MICHAUD

Committee Report

Amendments Adopted  
H-774 O'NEAL

LD 1902 proposed to make additional corrections to Maine laws.

**House Amendment "A" (H-771)** proposed to eliminate the "super credit" that was created to expand the State's existing research and development tax credit for taxpayers who increase their research and development expenditures within the State by 50% or more over their current levels. It also proposed to repeal the sales tax exemption for the development of new bioproducts. (Not adopted.)

**House Amendment "B" (H-774)** proposed to give the Board of Trustees of the Maine School of Science and Mathematics the authority to borrow funds for current operating expenses for a term not exceeding 13 months.

**House Amendment "C" (H-775)** proposed to provide that benefits under the Maine Residents Property Tax Program must be paid to the municipality where the property is located if the property tax has not been paid. It also proposed that a claimant who submits a fraudulent claim must be barred from receiving benefits under the program for 10 years. (Not adopted.)



**House Amendment “D” (H-776)** proposed to do the following: provide funds for the estimated share of debt service from increasing the school construction debt limit; authorize a state discount liquor store in Calais and authorize a study of the feasibility and benefits of locating a discount liquor store in Fort Kent; increase the reimbursement for county and municipal law enforcement officers for court officer services or for serving as witnesses; exempt from sales tax sales to incorporated nonprofit fire departments and ambulance services; create an elder abuse and fraud unit within the Department of the Attorney General; appropriate funds to support advocacy and case management services at the Maine Center on Deafness; provide funds to establish positions in the Attorney General’s Office for legal services related to recoveries attributed to tobacco use; provide funds for day services for people with mental retardation who are not class members; restore funding to the Housing Opportunities for Maine Fund; require State and contract nuclear power personnel to provide information and assistance to the Legislature; expand the property tax exemption for certain veterans; authorize transfers from the Tax Relief Fund for Maine Residents back to the General Fund to fund various General Fund appropriations and losses. (Not adopted.)

### ***Enacted law summary***

Public Law 1997, chapter 562 makes additional corrections to Maine laws. Parts A and B amend the filing date provision in the Maine Residents Property Tax Program; provide an application clause for certain provisions of law relating to the taxation of computer software, certain biotechnology products and investments in certain high-technology activities; and clarify provisions of law regarding transfers of money from the Tax Relief Fund for Maine Residents to the General Fund. Part C changes the effective date of Public Law 1997, chapter 395 to have the supplemental fiscal year 1997 appropriations take effect when approved by the Governor; repeals unintended provisions in Public Law 1997, chapter 556 that reduced the share of unappropriated surplus going into the Maine Rainy Day Fund and the Retirement Allowance Fund. Part D makes the following changes: revises the number of members of the Commission on Governmental Ethics and Elections Practices necessary to close a meeting to the public; amends the statute governing “free fishing days” to include the Saturday before President’s Day; corrects errors in Public Law 1997, chapter 305 concerning possession of tobacco by minors; corrects a clerical error in the Viatical Settlements Act; corrects a conflict created by two new Public Law chapters concerning filling sheriff vacancies; corrects an error concerning 14 year olds working in frozen dairy products retail establishments; corrects the reporting requirements of the Task Force on Information Technology in the Public Sector; corrects the membership of the Task Force to Review the Applied Technology Centers and Applied Technology Regions; and gives the Board of Trustees of the Maine School of Science and Mathematics the authority to borrow funds for current operating expenses for a term not exceeding 13 months.

Public Law 1997, chapter 562 takes effect June 25, 1997. Different parts of the law take effect on dates designated in the law.

## Joint Standing Committee on Judiciary

### SUBJECT INDEX

#### *Abortion*

##### Enacted

None

##### Not Enacted

<b>LD 4</b>	<b>An Act to Preserve the Life of Viable Fetuses</b>	<b>ONTP</b>
<b>LD 57</b>	<b>An Act to Strengthen the Laws Governing the Failure to Preserve the Life of a Live-born Person</b>	<b>ONTP</b>
<b>LD 535</b>	<b>An Act to Ban Partial Birth Abortions</b>	<b>DIED BETWEEN BODIES</b>
<b>LD 661</b>	<b>An Act to Require a 24-hour Waiting Period before an Abortion May Be Performed</b>	<b>ONTP</b>
<b>LD 662</b>	<b>An Act to Require Parental Notification for Minors Seeking Abortions</b>	<b>ONTP</b>

#### *Adoption*

##### Enacted

<b>LD 826</b>	<b>An Act to Amend the Adoption Laws Relating to Consent and Forms for Surrender and Release</b>	<b>PUBLIC 239</b>
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##### Not Enacted

<b>LD 1081</b>	<b>An Act to Clarify the Adoption Laws</b>	<b>ONTP</b>
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#### *Attorney General/District Attorney*

##### Enacted

None

**Not Enacted**

<b>LD 453</b>	<b>An Act to Give District Attorneys the Option of Appearing in Civil Proceedings</b>	<b>ONTP</b>
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***Attorneys/Legal Services***

**Enacted**

<b>LD 1003</b>	<b>An Act to Amend the Maine Civil Legal Services Fund</b>	<b>PUBLIC 173</b>
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**Not Enacted**

<b>LD 587</b>	<b>An Act to Provide Greater Public Notice of Complaints against Attorneys</b>	<b>ONTP</b>
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<b>LD 1178</b>	<b>An Act to Allow Paralegals to Represent Clients in Small Claims Cases or Alternative Dispute Resolution</b>	<b>ONTP</b>
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***Business and Nonprofit Entities***

**Enacted**

<b>LD 893</b>	<b>An Act to Conform the Provisions of the Maine Business Corporation Act Regarding Derivative Proceedings to the Provisions of the Revised Model Business Corporation Act</b>	<b>PUBLIC 307</b>
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<b>LD 1639</b>	<b>An Act to Amend the Corporate Laws</b>	<b>PUBLIC 376</b>
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**Not Enacted**

<b>LD 1400</b>	<b>An Act to Provide Notice of Municipalities When a For-profit Corporation Intends to Obtain Nonprofit Status</b>	<b>ONTP</b>
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<b>LD 1793</b>	<b>An Act Regarding the Activities of Nonprofit Corporations</b>	<b>CARRIED OVER</b>
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## *Child Protection/Adult Protection*

### Enacted

<b>LD 527</b>	<b>An Act to Strengthen the Mandatory Child Abuse Reporting Laws</b>	<b>PUBLIC 251</b>
<b>LD 1163</b>	<b>An Act to Amend Child Protective Laws</b>	<b>PUBLIC 475</b>

### Not Enacted

None

## *Child Support*

### Enacted

<b>LD 738</b>	<b>An Act to Allow Child Support for Juveniles Committed to the Maine Youth Center</b>	<b>PUBLIC 339</b>
<b>LD 1154</b>	<b>An Act Concerning the Requirement That Employers Garnish the Wages of Their Employees Who Owe Child Support</b>	<b>PUBLIC 332</b>
<b>LD 1834</b>	<b>An Act to Improve the State's Child Support Enforcement and Overpayment Recovery Laws</b>	<b>PUBLIC 466</b>
<b>LD 1835</b>	<b>An Act to Implement Federal Welfare Reform Mandates for State Child Support Enforcement Laws</b>	<b>PUBLIC 537</b>

### Not Enacted

<b>LD 1322</b>	<b>An Act to Strengthen the Laws Governing Nonpayment of Child Support</b>	<b>ONTP</b>
<b>LD 1681</b>	<b>An Act Regarding the Receipt of Benefits by a Child Based on a Parent's Disability and the Calculation of Parental Support Obligations</b>	<b>ONTP</b>

## *Civil Procedure*

### Enacted

<b>LD 235</b>	<b>An Act to Require the Courts to Accept Civil Orders of Arrest on Any Day Court is in Session</b>	<b>PUBLIC 17</b>
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<b>LD 717</b>	<b>An Act to Expand the Methods of Service of Disclosure Subpoenas</b>	<b>PUBLIC 21</b>
<b>LD 827</b>	<b>An Act to Authorize Corporate Officers to Represent Their Corporation in Certain Civil Actions in District Court</b>	<b>PUBLIC 238</b>
<b>LD 1490</b>	<b>An Act Allowing Appellate Review by an Aggrieved Contemnor</b>	<b>PUBLIC 317</b>

**Not Enacted**

<b>LD 386</b>	<b>An Act to Amend the Civil Order of Arrest Procedures for Enforcement of Money Judgments</b>	<b>ONTP</b>
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***Confidentiality/Public Information***

**Enacted**

None

**Not Enacted**

<b>LD 325</b>	<b>An Act to Improve Access to Enhanced 9-1-1 Emergency Records</b>	<b>ONTP</b>
<b>LD 634</b>	<b>An Act Concerning the Disclosure of a Criminal Suspect's Identity</b>	<b>ONTP</b>
<b>LD 718</b>	<b>An Act to Open to Public Scrutiny the Workings of the Maine Legislature</b>	<b>ONTP</b>
<b>LD 1157</b>	<b>An Act to Grant to Joint Standing Committees of the Legislature Access to Confidential Information</b>	<b>ONTP</b>
<b>LD 1254</b>	<b>An Act to Restrict the Use of Social Security Numbers</b>	<b>ONTP</b>
<b>LD 1587</b>	<b>An Act to Establish Procedures for the Release of Confidential Information</b>	<b>ONTP</b>
<b>LD 1614</b>	<b>An Act to Amend the Freedom of Access Laws</b>	<b>ONTP</b>

***Courts/Judges/Judicial Administration***

**Enacted**

<b>LD 492</b>	<b>An Act to Adjust the Residency Requirement for District Court Judges to Include the Counties in Which They Reside</b>	<b>PUBLIC 10</b>
<b>LD 663</b>	<b>An Act to Permit the State Court Administrator to Accept Funds from the Federal Government and Private Sources</b>	<b>PUBLIC 11</b>
<b>LD 818</b>	<b>An Act to Amend the Small Claims Court Laws</b>	<b>PUBLIC 23</b>
<b>LD 1213</b>	<b>An Act to Create a Family Division within the State's District Court</b>	<b>PUBLIC 269</b>
<b>LD 1231</b>	<b>An Act Regarding the Leasing of Buildings</b>	<b>PUBLIC 362 EMERGENCY</b>
<b>LD 1267</b>	<b>An Act to Abolish the Judicial Council</b>	<b>PUBLIC 134</b>
<b>LD 1487</b>	<b>An Act to Authorize Clerks to Sign Notices of Certain Court Actions</b>	<b>PUBLIC 135</b>
<b>LD 1490</b>	<b>An Act Allowing Appellate Review by an Aggrieved Contemnor</b>	<b>PUBLIC 317</b>

**Not Enacted**

<b>LD 35</b>	<b>An Act to Prohibit the Photographing or Transmittal of Jury Deliberations</b>	<b>DIED BETWEEN BODIES</b>
<b>LD 444</b>	<b>An Act to Establish the Maximum and Minimum Number of Grand Jurors to Be Summoned and Impaneled</b>	<b>ONTP</b>
<b>LD 490</b>	<b>An Act to Increase Fees and Allowances for Jury Service</b>	<b>ONTP</b>
<b>LD 1062</b>	<b>An Act to Implement the Recommendations of the Judicial Compensation Commission</b>	<b>CARRIED OVER</b>
<b>LD 1372</b>	<b>An Act to Unify the Court System</b>	<b>CARRIED OVER</b>
<b>LD 1412</b>	<b>An Act to Reinstate Municipal Courts for Specific Traffic Infractions</b>	<b>ONTP</b>
<b>LD 1482</b>	<b>An Act to Expand the Duties of the Violations Bureau and Enhance the Enforcement of Civil Violations</b>	<b>CARRIED OVER</b>

***Criminal Law and Procedure (see also Criminal Justice Committee)***

**Enacted**

<b>LD 8</b>	<b>An Act to Amend the Laws Specifying When an Indictment in a Criminal Case Is Not Required</b>	<b>PUBLIC 4</b>
<b>LD 292</b>	<b>An Act to Modify Waiver of a Defense in the Criminal Law</b>	<b>PUBLIC 185</b>
<b>LD 351</b>	<b>An Act to Decrease Infectious Disease Transmission</b>	<b>PUBLIC 340</b>
<b>LD 457</b>	<b>An Act to Discourage Frivolous Lawsuits by Prisoners</b>	<b>PUBLIC 75</b>
<b>LD 693</b>	<b>An Act to Amend Procedures Relating to Extradition Proceedings</b>	<b>PUBLIC 181</b>
<b>LD 974</b>	<b>An Act Concerning the Review of Certain Sentences Imposed on Defendants</b>	<b>PUBLIC 354</b>
<b>LD 1490</b>	<b>An Act Allowing Appellate Review by an Aggrieved Contemnor</b>	<b>PUBLIC 317</b>

**Not Enacted**

<b>LD 132</b>	<b>An Act to Prohibit the Plea Bargaining of Child Sex Abuse Cases</b>	<b>ONTP</b>
<b>LD 476</b>	<b>An Act to Require the Forfeiture of Any Proceeds of Prostitution</b>	<b>ONTP</b>
<b>LD 732</b>	<b>An Act to Amend the Maine Criminal Code to Include the Loss of a Pregnancy</b>	<b>INDEF PP</b>
<b>LD 795</b>	<b>An Act to Expand Asset Forfeiture Provisions</b>	<b>ONTP</b>

***Driver's License Suspension***

**Enacted**

None

**Not Enacted**

<b>LD 1208</b>	<b>An Act to Allow the Courts to Suspend the Drivers' Licenses of Individuals Convicted of Civil Offenses Who Fail to Pay Their Fines within the Time Limits Ordered by the Court</b>	<b>CARRIED OVER</b>
<b>LD 1481</b>	<b>An Act to Impose License Suspension and Other Sanctions on Those Who Fail to Pay Fines and Other Penalties</b>	<b>ONTP</b>

***Errors and Statutory Corrections***

**Enacted**

<b>LD 10</b>	<b>An Act to Correct Errors and Inconsistencies in the Laws of Maine</b>	<b>PUBLIC 393 EMERGENCY</b>
<b>LD 1902</b>	<b>An Act to Amend the Filing Date Provision in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Correct Certain Provisions in Recently Enacted Legislation</b>	<b>PUBLIC 562 EMERGENCY</b>

**Not Enacted**

None

***Family Law (see also Child Support)***

**Enacted**

<b>LD 1</b>	<b>An Act to Extend the Reporting Deadline for a Study by the Family Law Advisory Commission of the Statutes and Awards and Allocations Concerning Parental Rights and Responsibilities</b>	<b>PUBLIC 2 EMERGENCY</b>
<b>LD 144</b>	<b>An Act Regarding the Duties of Guardian Ad Litem</b>	<b>PUBLIC 257</b>
<b>LD 240</b>	<b>An Act to Terminate Spousal Support upon the Death of the Payee</b>	<b>PUBLIC 9</b>



<b>LD 407</b>	<b>An Act to Revise Judicial Separation</b>	<b>PUBLIC 224</b>
<b>LD 1017</b>	<b>An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages</b>	<b>PUBLIC 65</b>
<b>LD 1053</b>	<b>An Act to Implement the Recommendations of the Family Law Advisory Commission Concerning Parental Rights and Responsibilities</b>	<b>PUBLIC 187</b>
<b>LD 1213</b>	<b>An Act to Create a Family Division within the State's District Court</b>	<b>PUBLIC 269</b>
<b>LD 1283</b>	<b>An Act to Restrict Parental Rights of Convicted Sex Offenders</b>	<b>PUBLIC 363</b>
<b>LD 1428</b>	<b>An Act to Amend the Child Support Laws Concerning Notice to Co-owners of Property Subject to Support Liens</b>	<b>PUBLIC 407</b>
<b>LD 1669</b>	<b>An Act Regarding the Relocation of a Child by a Parent Having Primary Physical Custody</b>	<b>PUBLIC 403</b>
<b>LD 1689</b>	<b>An Act to Provide Court-ordered Income Withholding of Spousal Support</b>	<b>PUBLIC 433</b>
<b><u>Not Enacted</u></b>		
<b>LD 860</b>	<b>An Act to Extend the Waiting Period for Obtaining a Divorce</b>	<b>ONTP</b>
<b>LD 1064</b>	<b>An Act to Require that Reasonable Notice Be Given to the Defendant When a Protection from Abuse or Harassment Proceeding Is Started while Other Litigation is Pending between the Parties</b>	<b>ONTP</b>
<b>LD 1443</b>	<b>Resolve, Directing the Family Law Advisory Commission to Review Proposals Concerning the Use of Ethical Decision-making in Family Law Cases</b>	<b>ONTP</b>
<b>LD 1462</b>	<b>An Act Regarding Responsibility for Payment of Alimony Fees in Proceedings to Modify a Divorce Decree</b>	<b>ONTP</b>
<b>LD 1508</b>	<b>An Act Concerning Service of Process by the Department of Human Services</b>	<b>ONTP</b>
<b>LD 1510</b>	<b>An Act to Enforce Payment of Spousal Support</b>	<b>ONTP</b>

<b>LD 1552</b>	<b>An Act to Amend the Conditions upon Which a Minor May Obtain Emancipation</b>	<b>DIED BETWEEN BODIES</b>
<b>LD 1613</b>	<b>An Act to Allow the Child Support Obligor the Right to Provide Regularly Scheduled Child Care</b>	<b>ONTP</b>
<b>LD 1786</b>	<b>An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act</b>	<b>CARRIED OVER</b>

### *Human Rights/Civil Rights*

#### Enacted

<b>LD 944</b>	<b>Resolve, Establishing a Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities</b>	<b>RESOLVE 72</b>
<b>LD 1017</b>	<b>An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages</b>	<b>PUBLIC 65</b>
<b>LD 1116</b>	<b>An Act to Prevent Discrimination</b>	<b>PUBLIC 205</b>
<b>LD 1713</b>	<b>An Act Relating to Compensatory and Punitive Damages Under the Maine Human Rights Act</b>	<b>PUBLIC 400</b>

#### Not Enacted

<b>LD 76</b>	<b>An Act to Amend the Uniform Health Care Decisions Law</b>	<b>CARRIED OVER</b>
<b>LD 916</b>	<b>An Act to Allow Physician-assisted Deaths for the Terminally Ill</b>	<b>CARRIED OVER</b>
<b>LD 1729</b>	<b>An Act to Require Health-care Providers to Honor Do Not Resuscitate Orders</b>	<b>CARRIED OVER</b>

### *Indian Land Claims Settlement Act*

#### Enacted

<b>LD 25</b>	<b>Resolve, to Extend the Reporting Deadline of the Task Force on Tribal-State Relations</b>	<b>RESOLVE 1 EMERGENCY</b>
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<b>LD 1269</b>	<b>Resolve, to Foster the Self-governing Powers of Maine's Indian Tribes in a Manner Consistent with Protection of Rights and Resources of the General Public</b>	<b>RESOLVE 45</b>
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**Not Enacted**

<b>LD 955</b>	<b>An Act to Permit the Joint Tribal Council of the Passamaquoddy Tribe to Change the Names of Geographical Locations within Passamaquoddy Territory</b>	<b>ONTP</b>
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<b>LD 956</b>	<b>An Act to Repeal the Law Providing that State Laws Apply to Indian Lands</b>	<b>ONTP</b>
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<b>LD 957</b>	<b>An Act to Require Full Faith and Credit for Decisions of the Tribal Court</b>	<b>ONTP</b>
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<b>LD 964</b>	<b>An Act to Transfer Certain Tribal Holdings into a Trust</b>	<b>CARRIED OVER</b>
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<b>LD 966</b>	<b>An Act to Make All Persons within Passamaquoddy Indian Territory Subject to Tribal Court Jurisdiction</b>	<b>ONTP</b>
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***Involuntary Commitment/Mental Health/Mental Retardation***

**Enacted**

<b>LD 263</b>	<b>An Act to Authorize a Physician's Assistant or a Nurse Practitioner to Sign Papers Transferring a Patient for Evaluation for Emergency Involuntary Commitment</b>	<b>PUBLIC 438</b>
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<b>LD 1806</b>	<b>An Act to Amend Maine's Involuntary Commitment Laws</b>	<b>PUBLIC 422</b>
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**Not Enacted**

<b>LD 23</b>	<b>An Act to Amend the Laws Governing Admission to Mental Health Institutions</b>	<b>ONTP</b>
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<b>LD 105</b>	<b>Resolve, to Create a Task Force to Study the Adequacy of the Laws Regarding Involuntary Commitment</b>	<b>ONTP</b>
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<b>LD 1042</b>	<b>An Act to Protect People with Limited Mental Capacity</b>	<b>ONTP</b>
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<b>LD 1807</b>	<b>An Act to Provide for Commitment of Sexually Violent Predators</b>	<b>CARRIED OVER</b>
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*Juveniles/Juvenile Proceedings*

**Enacted**

None

**Not Enacted**

<b>LD 125</b>	<b>An Act to Allow the Release of the Name of and Juvenile Crimes Committed by a Juvenile 14 Years of Age or Older</b>	<b>ONTP</b>
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*Landlord - Tenant Law (see also Legal and Veterans Affairs Committee)*

**Enacted**

<b>LD 326</b>	<b>An Act to Streamline the Eviction Process</b>	<b>PUBLIC 151</b>
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**Not Enacted**

<b>LD 435</b>	<b>An Act to Amend the Entry and Detainer Law as It Relates to Occupancy Incidental to Short-term Employment</b>	<b>ONTP</b>
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*Law Enforcement Officer Reimbursement*

**Enacted**

None

**Not Enacted**

<b>LD 61</b>	<b>An Act to Require Reimbursement to Counties for Services Rendered by County Law Enforcement Officers</b>	<b>ONTP</b>
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<b>LD 549</b>	<b>An Act to Change the Reimbursement for Law Enforcement Personnel Testifying in Court</b>	<b>INDEF PP</b>
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### *Medical Testing*

#### Enacted

<b>LD 121</b>	<b>An Act to Require Disclosure to Prison Workers in the Case of an Inmate Who Tests Positive for Acquired Immune Deficiency Syndrome</b>	<b>PUBLIC 70</b>
<b>LD 1392</b>	<b>An Act to Require the Release of the Results of an HIV Test to a Person Who Has Experienced a Bona Fide Occupational Exposure</b>	<b>PUBLIC 331</b>
<b>LD 1409</b>	<b>An Act to Require Mandatory Testing for Blood-borne Pathogens of Persons Who Are the Source of a Bona Fide Occupational Exposure</b>	<b>PUBLIC 368</b>

#### Not Enacted

None

### *Probate*

#### Enacted

<b>LD 363</b>	<b>An Act to Clarify the Manner in Which Decedents' Estates Are to Be Distributed</b>	<b>PUBLIC 73 EMERGENCY</b>
<b>LD 417</b>	<b>An Act to Amend the Fee Schedule for Probate Filings</b>	<b>PUBLIC 18</b>
<b>LD 491</b>	<b>An Act to Amend Provisions of the Probate Code Relating to Depositing Wills in Court within the Testator's Lifetime</b>	<b>PUBLIC 76</b>
<b>LD 494</b>	<b>An Act to Change the Time for Appointment of a Visitor or Guardian Ad Litem after Appointment of a Temporary Conservator or Guardian</b>	<b>PUBLIC 35</b>
<b>LD 699</b>	<b>An Act to Clarify the General Powers of Attorney</b>	<b>PUBLIC 241</b>

<b>LD 1028</b>	<b>An Act to Amend the Maine Probate Code</b>	<b>PUBLIC 191</b>
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<b>LD 1032</b>	<b>An Act to Simplify the Filing of Claims in Probate Estates</b>	<b>PUBLIC 321</b>
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<b>LD 1296</b>	<b>An Act to Amend the Maine Probate Code to Eliminate Interest on Claims of Creditors of Insolvent Estates</b>	<b>PUBLIC 202</b>
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**Not Enacted**

<b>LD 212</b>	<b>An Act to Permit Filing for the Probate of an Estate for up to 10 Years Following Death</b>	<b>ONTP</b>
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<b>LD 1328</b>	<b>An Act to Enact the Uniform Transfer on Death Security Registration Act</b>	<b>CARRIED OVER</b>
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***Property and Securities***

**Enacted**

<b>LD 571</b>	<b>An Act to Clarify the Effect of Failure to Provide Notice of Filing of a Judgment Lien</b>	<b>PUBLIC 20</b>
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<b>LD 669</b>	<b>An Act Relating to Value of Property Held by Portland Yacht Club</b>	<b>P &amp; S 26</b>
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<b>LD 763</b>	<b>An Act to Amend the Procedure for Foreclosure by Publication</b>	<b>PUBLIC 62</b>
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<b>LD 886</b>	<b>An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds</b>	<b>PUBLIC 203</b>
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<b>LD 1420</b>	<b>An Act to Amend the Uniform Management of Institutional Funds Act</b>	<b>PUBLIC 302</b>
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<b>LD 1559</b>	<b>An Act to Establish the Uniform Unclaimed Property Act</b>	<b>PUBLIC 508</b>
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**Not Enacted**

<b>LD 730</b>	<b>An Act to Limit Adverse Possession</b>	<b>ONTP</b>
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<b>LD 1328</b>	<b>An Act to Enact the Uniform Transfer on Death Security Registration Act</b>	<b>CARRIED OVER</b>
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<b>LD 1088</b>	<b>An Act to Clarify the Interpretation of Property Descriptions</b>	<b>ONTP</b>
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### *Protection from Abuse/Harassment*

#### Enacted

<b>LD 1272</b>	<b>An Act to Ensure Enforcement of Protection from Abuse Laws</b>	<b>PUBLIC 194</b>
<b>LD 1791</b>	<b>An Act to Bring the State into Conformity with the Firearms Provisions of the Violence against Women Provisions of the Federal Violent Crime Control Act</b>	<b>PUBLIC 334</b>
<b>LD 1867</b>	<b>An Act to Protect Victims of Domestic Violence</b>	<b>PUBLIC 507</b>

#### Not Enacted

<b>LD 1064</b>	<b>An Act to Require that Reasonable Notice Be Given to the Defendant When a Protection from Abuse or Harassment Proceeding Is Started while Other Litigation is Pending between the Parties</b>	<b>ONTP</b>
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### *Timber Theft and Timber Trespass*

#### Enacted

<b>LD 397</b>	<b>An Act to Change the Burden of Proof for Timber Trespass and Timber Theft Violations</b>	<b>PUBLIC 152</b>
<b>LD 1167</b>	<b>An Act to Clarify the Timber Trespass Laws</b>	<b>PUBLIC 214</b>

#### Not Enacted

None

### *Tort Liability - General*

#### Enacted

<b>LD 533</b>	<b>An Act to Ensure Public Safety and Proper Allocation of Liability for Gas Pipelines</b>	<b>PUBLIC 222</b>
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**Not Enacted**

<b>LD 29</b>	<b>An Act to Amend the Wrongful Death Laws</b>	<b>CARRIED OVER</b>
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<b>LD 30</b>	<b>An Act to Exclude Intentional Tort Claims from the Application of the Maine Workers' Compensation Act of 1992</b>	<b>CARRIED OVER</b>
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<b>LD 143</b>	<b>An Act to Remove Immunity for Fraudulent Testimony or Perjury</b>	<b>ONTP</b>
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<b>LD 398</b>	<b>An Act to Recover Economic Loss Attributable to Tobacco Use</b>	<b>ONTP</b>
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<b>LD 570</b>	<b>An Act to Clarify the Laws on Punitive Damages</b>	<b>ONTP</b>
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<b>LD 769</b>	<b>An Act to Limit Landowner Liability for Injuries to Independent Contractors Engaged in Harvesting Activities</b>	<b>ONTP</b>
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<b>LD 1057</b>	<b>An Act to Amend the Laws Regarding Wrongful Death and Recoveries for Wrongful Death</b>	<b>CARRIED OVER</b>
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<b>LD 1181</b>	<b>An Act to Change the Comparative Negligence Laws</b>	<b>CARRIED OVER</b>
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<b>LD 1384</b>	<b>An Act to Reform Procedure in Multiparty Lawsuits</b>	<b>CARRIED OVER</b>
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<b>LD 1511</b>	<b>An Act to Prohibit Lawsuits Based on Disclosure of the HIV or AIDS Status of Health Care Practitioners</b>	<b>ONTP</b>
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<b>LD 1670</b>	<b>An Act to Limit Indemnification in Construction Contracts</b>	<b>CARRIED OVER</b>
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***Tort Liability - Maine Tort Claims Act***

**Enacted**

<b>LD 938</b>	<b>An Act to Include Incorporated Fire Departments Recognized by Any Authority Created by Statute within the Protection of the Maine Tort Claims Act</b>	<b>PUBLIC 234</b>
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**Not Enacted**



<b>LD 739</b>	<b>An Act to Amend the Maine Tort Claims Act to Specifically Include Members of the Maine State Retirement System Medical Boards and Other Designated Physicians in the Definition of Employee</b>	<b>ONTP</b>
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### ***Tort Liability - Medical Malpractice***

#### **Enacted**

None

#### **Not Enacted**

<b>LD 582</b>	<b>An Act to Amend the Procedures for Medical Malpractice Screenings</b>	<b>CARRIED OVER</b>
<b>LD 739</b>	<b>An Act to Amend the Maine Tort Claims Act to Specifically Include Members of the Maine State Retirement System Medical Boards and Other Designated Physicians in the Definition of Employee</b>	<b>ONTP</b>
<b>LD 869</b>	<b>An Act to Amend the Statute of Limitations for Health Care Providers and Health Care Practitioners to Include a Discovery Rule</b>	<b>CARRIED OVER</b>
<b>LD 1050</b>	<b>An Act to Revise the Prelitigation Malpractice Screening Panel Procedures, Criteria and Composition</b>	<b>CARRIED OVER</b>
<b>LD 1636</b>	<b>An Act to Make Mediation Mandatory in Medical Malpractice Proceedings</b>	<b>CARRIED OVER</b>
<b>LD 1670</b>	<b>An Act to Limit Indemnification in Construction Contracts</b>	<b>CARRIED OVER</b>
<b>LD 1728</b>	<b>An Act to Promote Professional Competence and Improve Patient Care</b>	<b>CARRIED OVER</b>
<b>LD 1784</b>	<b>An Act to Expedite the Operation of Prelitigation Screening Panels under the Maine Health Security Act</b>	<b>CARRIED OVER</b>

### ***Takings/Property Rights***

**Enacted**

None

**Not Enacted**

<b>LD 475</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Affirm the Rights to Private Property</b>	<b>ONTP</b>
<b>LD 1257</b>	<b>An Act to Require Compensation for Loss of Property Value Due to State or Local Regulation</b>	<b>ONTP</b>

***Uniform Commercial Code***

**Enacted**

<b>LD 1378</b>	<b>An Act to Amend the Uniform Commercial Code as it Relates to Letters of Credit and Investment Securities</b>	<b>PUBLIC 429</b>
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**Not Enacted**

<b>LD 897</b>	<b>An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods</b>	<b>ONTP</b>
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***Victims' Rights***

**Enacted**

<b>LD 1502</b>	<b>An Act to Enable Victims to Benefit from the Profits from Crimes</b>	<b>PUBLIC 320</b>
<b>LD 1675</b>	<b>An Act to Amend the Victims' Compensation Fund</b>	<b>PUBLIC 378</b>

**Not Enacted**

<b>LD 1486</b>	<b>An Act to Establish Victims' Rights Laws</b>	<b>ONTP</b>
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***Other***

**Enacted**

<b>LD 899</b>	<b>An Act Regarding Terminal Rental Adjustment Clauses Vehicle Leasing</b>	<b>PUBLIC 352</b>
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**Not Enacted**

<b>LD 995</b>	<b>An Act to Provide for Accomplice Liability with Respect to Civil Violations</b>	<b>ONTP</b>
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<b>LD 1583</b>	<b>An Act to Establish the Uniform Anatomical Gift Act</b>	<b>CARRIED OVER</b>
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<b>LD 1712</b>	<b>An Act to Create a Citizen Panel on Deregulation</b>	<b>ONTP</b>
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